

JOURNALS

OF THE

Senate and House of Commons

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

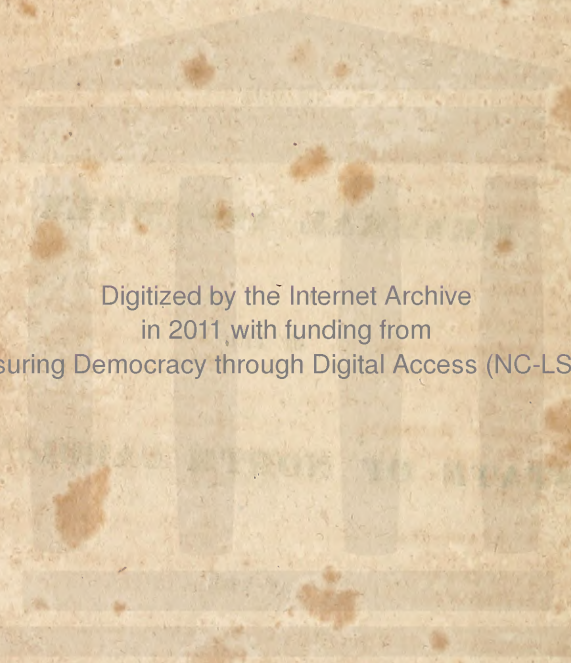
AT THE

Session of 1835,

RALEIGH :

Philo White, Printer to the State.

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1836.



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JOURNAL OF THE SENATE.

At a General Assembly, begun and held in the City of Raleigh, on the sixteenth day of November, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Independence of the United States of America; being the day appointed by law for the meeting of the General Assembly, the following Members of the Senate appeared, produced their credentials, were qualified agreeably to Law, and took their seats, to wit:

From *Anson County*, Alexander Little,
Ashe, John Gambill.
Buncombe, Hodge Rabun,
Bertie,
Beaufort, J. O'K. Williams,
Bladen, George Cromartie,
Brunswick, Fred. J. Hill,
Burke, Peter Ballew,
Columbus, Caleb Stephens,
Caswell, James Kerr,
Camden, Thomas Tillet,
Cumberland, Duncan M'Cormick,
Carteret, James W. Bryan,
Currituck, Daniel Lindsay,
Chatham, *Hugh McQueen*
Craven,
Cabarrus,
Chowan, William Bullock,
Davidson, John A. Hogan,
Duplin, John E. Hussey,
Edgecombe, Benjamin Sharpe,
Franklin, Henry G. Williams,
Granville, James Wyche,
Greene, Wyatt Moye,
Guilford, James T. Moorehead,
Gates, Wm. W. Cowper,
Halifax, Andrew Joiner,
Hyde, Wm. Selby,
Hertford, John Vann,
Haywood, N. Edmonston,
Fredell, John M. Young,
Johnston, Josiah Houlder,
Jones, James Harrison,

From *Lenoir*, Wm. D. Moseley,
Lincoln, John B. Harry,
Macon, Benj. S. Brittain,
Martin, Jesse Cooper,
Mecklenburg, Stephen Fox,
Moore, Cornelius Bowd,
Montgomery, Reuben Kendall,
Nash, Saml. L. Arrington,
New-Hanover, Louis H. Marsteller,
Northampton, William Moody,
Orange, Joseph Allison,
Onslow, *S. W. Simmons*
Pasquotank, Frederick Whitehurst,
Person,
Pitt, Alfred Moye,
Perquimons, Jesse Wilson,
Robeson, Malcom Patterson,
Rowan, Thos. G. Polk,
Randolph, Alfred Staley,
Rockingham, David S. Reid,
Rutherford, Alanson W. Moore,
Richmond, Alex. Martin,
Stokes, Matthew R. Moore,
Surry, Harrison M. Waugh,
Sampson, Edw. C. Gavin,
Tyrrell, George H. Alexander,
Wake, Samuel Whitaker,
Warren, Weldon N. Edwards,
Wayne, John Exum,
Washington, John B. Beasley,
Wilkes,
Yancy, Thomas Baker.

A quorum, consisting of a majority of the whole number of the Members being present, on motion of Mr. Polk, William D. Moseley, Esquire, the Senator from the county of Lenoir, was unanimously appointed Speaker: Whereupon, on motion of Mr. Edwards, the Speaker was conducted to the Chair by Mr. Polk, whence he made his acknowledgments to the Senate, in an appropriate address.

On motion of Mr. Little, William J. Cowan was appointed principal clerk, and Daniel Coleman, clerk assistant of the Senate.

On motion of Mr. Hogan, Thomas B. Wheeler was appointed principal doorkeeper, and Green Hill assistant doorkeeper.

On motion of Mr. Edwards, ordered that a message be sent to the House of Commons, informing that House of the due organization of the Senate, by the appointment of William D. Moseley, Esq. as Speaker; William J. Cowan, as principal clerk, Daniel Coleman, as assistant clerk; and Thomas B. Wheeler, and Green Hill, as doorkeepers; and of their readiness to proceed to the despatch of public business.

The Senate then adjourned, until to-morrow 10 o'clock.

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On motion of Mr. Polk, ordered that a select Committee of five be appointed, for the purpose of preparing permanent rules of order and decorum for the government of the Senate during the present session: Whereupon Messrs. Polk, Edwards, Wyche, Bryan, and Kerr, were appointed to form said committee.

On motion of Mr. Polk, ordered, that the rules of order and decorum adopted for the government of the Senate, at the last session of the Legislature, be the rules of order and decorum for the government of the Senate, during the present session, until otherwise ordered.

A message was received from the House of Commons, stating the due organization of that branch of the Legislature; having appointed Wm. H. Haywood, Jr. Esq. Speaker; Charles Manly, principal clerk, Edmund B. Freeman, clerk assistant; and Isaac Truitt, and John Cooper, doorkeepers; and that they are also ready to proceed to the despatch of public business.

On motion of Mr. Wyche, ordered that a message be sent to the House of Commons, proposing that a joint select committee, consisting of five on the part of each House, be appointed to prepare joint rules of order for the government of the two Houses, during the present session of the Legislature.

Received from the House of Commons a message, proposing that a joint select committee of two on the part of each House, be raised, to wait on his Excellency the Governor, to inform him of the due organization of the two Houses of the Legislature, and that they are ready to receive any communication he may think proper to make; which proposition being agreed to, Messrs. Edmonston and Joiner were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message: thereupon a message was received from that House, stating that Messrs. Manly and M'Rae are appointed to form the Committee on their part.

Received also from the House of Commons a message, proposing that a joint select committee of three on the part of each House, be raised to prepare and report joint rules of order, regulating the intercourse between the two Houses: which, on motion of Mr. Wyche, was ordered to lie upon the table.

Received also from the House of Commons a message, proposing to ballot immediately for three engrossing clerks, and stating that Thomas G. Stone, Joseph D. Ward, John C. Stone, James I. Thomas, Nehemiah Blackstock, and Wm. W. Hall, are in nomination for the appointment; which proposition was agreed to: Messrs. Little and Arrington were appointed the committee to superintend the balloting on the part of the Senate, and the House of Commons was informed thereof by message; and thereupon a message was received from that House, stating that Messrs. L. A. Gwyn, and M'Pherson, form the balloting committee on their part.

Received also from the House of Commons a message, stating their concurrence in the proposition of the Senate to raise a joint select Committee of five on the part of each House, to prepare joint rules for the government of the two Houses; and that Messrs. Graham, Hoke, Hybart, Poindexter, and Hutchison, form said committee on their part: Whereupon a message was sent to that House, stating that Messrs. Wyche, Wilson, Hill, Waugh, and Morehead, form the committee on the part of the Senate.

Mr. Joiner, from the select committee appointed to wait on his Excellency the Governor, reported that the committee were authorized to state, that he would make a communication to the Legislature at 12 o'clock this day.

Mr Little, from the select committee appointed to conduct the bolloting for three engrossing clerks, reported that Wm. W. Hall, Joseph D. Ward, and Thomas G. Stone, having each received a majority of the whole number of votes, are duly elected; in which report the Senate concurred.

The Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 18, 1835.

Received from the House of Commons a message, communicating the annual Message of his Excellency the Governor, accompanied by a proposition from that House, that the Message be printed, one copy for each Member of the Legislature; which proposition was concurred in, and the House of Commons informed thereof by message.

David W. Simmons, the Senator elect from the county of Onslow, appeared, produced his credentials, was sworn before the Senate, and took his seat.

Mr. Polk, from the select committee appointed to prepare and report rules of order and decorum for the government of the Senate during the present session, reported the following, to wit:

1. When the Speaker takes the chair, each member shall take his seat; and on the appearance of a quorum, the Journal of the preceding day shall be read.

2. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, to wit: 1st, the receiving petitions, memorials, pension certificates and papers addressed either to the General Assembly or to the Senate; 2d, the reports of standing committees; 3d, the reports of select committees; 4th, resolutions; 5th, bills; 6th, bills, resolutions, petitions, memorials, messages, pension certificates, and other papers on the table. Then the orders of the day; but motions and messages to ballot for officers, to be elected by the General Assembly, shall always be in order.

3. When any member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more members happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question, without leave of the House. And when any member is speaking, he shall not be interrupted by any person, either by speaking or by standing, or passing between him and the Chair.

4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

5. When a motion is made and seconded, no other motion shall be received, unless it be to amend the main question, to postpone it to a day certain, to postpone it indefinitely, to commit it, to let it lie on the table, or to adjourn.

6. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form; "As many as are of opinion that (as the case may be) say Aye:" and after the affirmative voice is expressed—"As many as are of a contrary opinion, say No." If the Speaker doubt as to

the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division of the House, and announce its decision. No member, who was without the bar of the Senate when any question was put from the Chair, shall enter his Yea or Nay without leave, unless he shall have been absent on some committee.

7. When any member shall make a motion which is not of course, he shall reduce the same to writing, if required.

8. In all cases of ballot by the House, the Speaker shall vote: and when on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote, if given to the minority will make the division equal; and when an equal division is produced by the Speaker's vote, the question shall be lost.

9. No member shall depart the service of the House, without leave, or receive pay as a member for the time he is absent.

10. Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer. and the petition, memorial, or other paper, shall not be read unless so ordered by the House.

11. Resolutions for the appropriation of public money, and all resolutions of a public nature, as well as all bills, shall be read the first time for information; and, upon this reading, shall not be subject to amendment; but may be amended on the second and third reading. And the Clerk shall keep a calendar of all such resolutions and bills, with the orders taken on them, for the inspection of the Senate.

12. All bills of a public nature, when ready for the second reading, shall be noted to be read at least one day previous thereto; and shall first be read for information, and afterwards, paragraph by paragraph, and held open for amendment.

13. After a bill has been once rejected, postponed indefinitely, or to a day beyond the session, another of like provisions shall not be introduced during the same session.

14. When a question has been once decided, it shall be in order for any member in the majority to move for a reconsideration thereof on the same or succeeding day, if the bill, resolution, or paper, upon which the question has been taken, be in possession of the Senate.

15. The Speaker shall examine and correct the Journal before it is read; he shall have the general direction of the Hall; he shall designate the members who shall compose all committees, except when otherwise ordered; and the select committees of this House shall consist of five members.

16. There shall be appointed, by the Speaker, the following committees, viz: a committee of propositions and grievances; a committee of privileges and elections; a committee of claims; a committee on the judiciary; a committee on Internal Improvement; and a committee on Education and the Literary Fund, consisting of eight members each.

17. When the House resolves itself into a Committee of the Whole, the Speaker shall leave the chair, and appoint a Chairman; and when upon any other occasion the Speaker wishes to leave the chair, he shall appoint a Speaker pro-tem.

18. When any petition, memorial or other paper addressed to the House, shall have been referred either to one of the standing or select committees, they shall, in their report on the petition, memorial, or other paper, make a statement in writing of the facts embraced in the case so referred.

19. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker, or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

20. No person, except members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, officers of the State resident at the seat of government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.

21. Any member dissatisfied with the decision of the Speaker on any question of order, may appeal to the House.

22. When the House adjourns, the members shall keep their seats till the Speaker leaves the chair.

23. On motion of adjournment, the question shall be decided without debate.

24. The rules for the government of the Senate shall not be amended or altered, without giving at least one day's notice of such amendment or alteration, except by the consent of two-thirds of the members present.

A motion was made by Mr. Wellborn, to amend the sixteenth rule, by adding at the end thereof the words "from each old Judiciary District;" and the question being taken thereon, it was decided in the affirmative. The rules of order and decorum were then read, and adopted as amended.

The Speaker laid before the Senate a communication, containing the proceedings of the Citizens of Charleston, embracing the report of the committee, and the address and resolutions at a general meeting, in reference to the proposed Rail Road from Cincinnati to Charleston; which, on motion of Mr. Edwards, was ordered to lie upon the table.

Received from the House of Commons a message, proposing to raise a joint select committee, consisting of five on the part of each house, to whom shall be referred so much of the Governor's Message as relates to the conduct of the abolitionists: Ordered, on motion of Mr. Edwards to lie on the table.

The Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 19, 1835.

Received from the House of Commons a message, communicating the annual report of the Public Treasurer, with a proposition that it be printed; which proposition was concurred in, and the House of Commons was informed thereof by message.

Mr. M^Queen, the Senator elect from the county of Chatham, appeared, produced his credentials, was sworn before the Senate, and took his seat.

Mr. Polk presented the following Resolutions, to wit:

Resolved, That a message be sent to the House of Commons, proposing to refer so much of the Governor's Message as relates to the claims of the State upon the General Government, and the distribution of the proceeds of the public domain; to a joint select committee.

Resolved, That so much of the Message as relates to the subject of Internal Improvement, be referred to the committee on Internal Improvement; so much as relates to education, to the committee on Education; so much as relates to the report of the Public Treasurer, and the subject of revenue, to the committee of Finance; so much as relates to an interchange of Law Reports between the different States, to the Judiciary committee; so much as relates to the proposed alteration of the times of holding the Superior Courts and the creation of an additional circuit, to the committee on the Judiciary; so much as relates to the Public Printer, to a select committee; and that a message be sent to the House of Commons, proposing to refer so much of the Message as recommends the adoption of measures to prevent the interference of Citizens of other States with our domestic police, to a joint select committee of twenty six, consisting of one from each Congressional District, on the part of each House; and that the same have leave to report by bill or otherwise.

Mr. Edwards moved that the Resolutions lie upon the table; which was not agreed to.

Mr. Moore (of Rutherford) moved that the 8th branch of the Resolution be amended, so as to consist of twelve Members, one from each Judicial Circuit, on the part of each House; which motion was not agreed to: the question then recurring on the adoption of the resolutions, it was decided in the affirmative.

Received from the House of Commons a message, communicating joint rules, for the government of the intercourse between the two Houses during the present Legislature, and asking the concurrence of the Senate in their adoption: whereupon the said joint rules were read, and adopted; and thereupon, on motion of Mr. Wellborn, ordered that the same, together with the rules of order and decorum for the government of the Senate, the Constitution of the State, and of the United States, be printed, one copy for each Member of the Senate.

The Speaker announced to the Senate, the appointment of the following standing committees, made in pursuance of the sixteenth rule of order for the government of the Senate, and in pursuance of the joint rules for the government of both Houses, to wit:

On Finance: Messrs. Wyche, Marsteller, Moody, Selby, Vann, Fox, Gavin, and Wellborn.

On Education, and Literary Fund: Messrs. M'Queen, Gambill, Exum, Alexander, Moore (of Stokes,) Cowper (of Gates,) Dowd and Sharpe.

On Privileges and Elections: Messrs. Allison, Arrington, Bullock, Britain, Harrison, M'Cormick, Reid, and Stephens.

On Propositions and Grievances: Messrs. Edmontson, Cooper of Martin, Beasley, Kendall, Hussey, Martin, Moyer of Pitt, and Williams of Person.

On Claims: Messrs. Moyer of Greene, Williams of Franklin, Tillet, Houlder, Young, Ballew, Patterson, and Baker.

On Internal Improvement: Messrs. Hill, Harry, Joyner, Kerr, Lindsay, Staley, Waugh, and Williams of Beaufort.

On the Judiciary: Messrs. Bryan, Edwards, Hogan, Little, Polk, Moore (of Rutherford,) Moorehead, and Wilson.

On Enrolled Bills: Messrs. Marsteller and Moore (of Stokes.)

On the Library: Messrs. Mebane, Morehead, and Hill.

A message was received from the House of Commons; proposing that a joint select committee be raised, upon so much of the message of his Excellency the Governor as relates to the changing the periods at which the Courts are required to be held in the third judicial circuit, to a later period of the year; or so as to provide to commence the circuit in healthy, and terminate in the sickly counties. On motion of Mr. Polk, ordered to lie on the table.

Mr. Wilson presented the certificate of allowance of the county court of Perquimons, in favor of Priscilla Goodwin, a Pensioner of the State; which, on motion of Mr. Wilson, was ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

Alexander W. Mebane, the Senator-elect from the county of Bertie, appeared, produced his credentials, was sworn before the Senate, and took his seat.

Mr. Hogan presented the resignations of Hiram Phelps, colonel commandant; Samuel Cecil, lieutenant colonel; and Henry Ledford, major of the 88th Regiment of North Carolina Militia; and Mr. Moyer (of Greene,) presented the resignation of William A. Darden, lieutenant colonel of Greene

county militia; which were severally read and accepted, and sent to the House of Commons.

On motion of Mr. Marsteller, a message was sent to the House of Commons, proposing to raise a joint select committee on military affairs, to consist of five members on the part of each House.

On motion of Mr. Waugh, the communication containing the proceedings of the citizens of Charleston, embracing the report of the committee, and the address and resolutions at a General Meeting, in reference to the projected Rail Road from Cincinnati to Charleston, was taken up, and, on motion of Mr. Waugh, ordered to be referred to the committee on Internal Improvement.

Received from the House of Commons a message, proposing to raise a joint select committee of five members on the part of each House, to be styled the committee on Military Affairs. On motion of Mr. Edwards, ordered to lie on the table.

Received also from the House of Commons a message, proposing to raise a joint select committee of three members on the part of each House, on the subject of the Cherokee lands; which proposition was agreed to: Messrs. Wellborn, Waugh and Brittain, were appointed to form the said committee on the part of the Senate, and the House of Commons was informed thereof by message.

The Speaker announced to the Senate, the appointment of the following committee, in pursuance of the sixth branch of the Resolutions introduced by Mr. Polk, which requires so much of the Governor's Message as relates to the Public Printing, to be referred to a select committee, to wit: Messrs. Mebane, Cromartie, Simmons, Rabun and Whitaker.

The Senate then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 20, 1835.

Mr. Kendall presented the petition of John Mason, of the county of Montgomery, praying to be restored to credit: On motion of Mr. Kendall, ordered to be referred to the committee on Propositions and Grievances.

Mr. Staley presented the petition of Robert Walker, of Randolph county, praying the Legislature to pass an act for the emancipation of his Slave, named James. Ordered to be referred to the committee on Propositions and Grievances.

Mr. Edmonston presented a resolution in favor of Jesse Wright of Haywood county; which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Bryan, ordered that the Judiciary committee be instructed to inquire into the expediency of granting to the Supreme Court power and authority, in all cases, before said Court, by appeal or otherwise, to send any special matter or issue arising in said cases to the Court below, from which any of them were brought, that the facts may be more fully and properly ascertained.

Mr. Waugh presented a Resolution, directing the clerks of the two Houses to collect and place in the Government House, the Acts and Journals of the General Assembly, and such State papers as belong to the State; which was read the first time and passed. Mr. Edwards moved to amend the resolution, by striking out the words "and such State papers as belong

to the State;" which amendment was agreed to; the resolution was then read the second time, and, on motion of Mr. Moye, (of Pitt) ordered to lie upon the table.

Received from the House of Commons a message, proposing to ballot immediately for Major General of the 6th Division of North Carolina Militia, and stating that James Whitfield is in nomination for the appointment; which proposition was agreed to: Messrs. Moye, (of Greene) and Hussey were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message: Whereupon a message was received from that House, stating that Messrs. Kenan and Eaton, attend the Senate as superintendents of the balloting on their part.

On motion of Mr. Edwards, the Resolution directing the clerks of the two Houses, to collect and place in the Government House, the Acts and Journals of the General Assembly, heretofore laid on the table, on his motion, was taken up and considered. Mr. Edwards then moved the following as a substitute for the original resolution to wit:

Resolved, That the clerk of the Senate deposite in some convenient room, in the Government House, for the use of the Senate, three copies of the revisal of the laws of North Carolina, and three copies each of the pamphlet acts passed since the revisal, and three copies of Taylor's Revisal, and copies of the Journals of the Legislature for the last seven years.

Which was read and adopted: whereupon the resolution was read, and adopted as amended.

Received from the House of Commons a message, proposing to ballot immediately for Solicitor of the 6th judicial circuit, and stating that Alexander Troy is in nomination for the appointment. Mr. M'Cormick moved to lay the message on the table; which motion was not agreed to. Mr. Little renewed the motion to lay the message on the table; which was agreed to.

On motion of Mr. Little, a message was sent to the House of Commons, proposing to ballot immediately for Solicitor of the 5th judicial circuit, and stating that Alexander Troy is in nomination for the appointment: thereupon a message was received from that House, stating their concurrence in the proposition, and that Messrs. Dudley and J. A. D. McNeill, attend the Senate to superintend the balloting on their part: Whereupon a message was sent to that House, stating that Messrs Little and Kendall are appointed to conduct the balloting on the part of the Senate.

Mr. Cooper, (of Martin) presented the following Resolution, to wit:

Resolved, That this General Assembly adjourn on the twentieth day of December next, *sine die*, and that the clerks be directed to make up their estimates to that day.

Which was read the first time and passed; read the second time and passed, ayes 30, noes 29. The ayes and noes being demanded by Mr. Cooper, (of Martin,)

Those who voted in the affirmative, are Messrs. Alexander, Allison, Arrington, Beasley, Bullock, Cooper (of M.) Exum, Hogan, Houlder, Hussey, Kerr, Lindsay, Martin, Moody, Moorehead, Moye (of G.), Moye (of P.) Patterson, Reid, Selby, Simmons, Staley, Stephens, Tillet, Vann, Waugh, Whitehurst, Williams (of B.) Williams (of P.) Wilson.

Those who voted in the negative, are, Messrs. Baker, Ballew, Brittain, Bryan, Cowper (of G.) Cromartie, Dowd, Edmonston, Edwards, Fox, Gambill, Gavin, Harrison, Harry, Hill, Joyner, M'Cormick, Marsteller, Mebane, Moore (of Rutherford.) Moore (of Stokes,) Polk, Rabun, Sharpe, Wellborn, Whitaker, Williams (of F.) Wiche, Young.

The resolution was then read the third time. Mr. Cooper submitted the following amendment as a substitute for the original resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing that the Speak-

ers of the two Houses adjourn this General Assembly, on the twentieth day of December next, *sine die*, or sooner, provided the public business can be accomplished; and that the clerks be directed to make up their estimates to the day of adjournment.

But pending the question on said amendment, a motion was made that the Senate adjourn until to-morrow morning 10 o'clock; and before the question was taken on the motion of adjournment,

Mr. Little, with leave of the Senate, from the committee appointed to conduct the balloting for Solicitor of the fifth judicial circuit, reported that Alexander Troy, having received a majority of votes, was duly elected; in which report the Senate concurred; and

Mr. Moyer (of Greene,) also with leave of the Senate, from the committee appointed to conduct the balloting for a major general of the sixth division of North Carolina militia, reported that James Whitfield, having received a majority of votes, was duly elected; in which report the Senate concurred.

The Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOVEMBER 21st, 1835.

The resolution fixing the day of adjournment of the Legislature, was read the third time, and, on motion of Mr. Hogan, ordered to be laid upon the table.

Mr. Whitehurst presented a bill, entitled a bill to prevent justices of the peace from issuing *ca sas*, until a return has been made by some lawful officer, that the defendant has no property; providing for appeals, and for other purposes; which was read the first time and passed, and, on motion of Mr. Whitehurst, ordered to be referred to the committee on the judiciary.

Mr. Dowd presented the petition of Daniel McDonald, praying the Legislature to issue to him and the other heirs of Finley McDonald, a warrant for land, as a compensation for the revolutionary services of said Finley McDonald. Ordered that it be referred to the committee on Claims.

Received from the House of commons a message, agreeing to the proposition of the Senate, to raise a joint select committee on military affairs; and stating that Messrs. Hawkins, Irion, Loudermilk, Powell, and Cotten, form their branch of said committee. The Speaker announced that Messrs. Marsteller, Moyer of Green, Kerr, Allison, and Williams of Beaufort, have been appointed to form the military committee on the part of the Senate.

Received from the House of Commons a message, stating that Messrs. J. W. Guinn, Erwin, and N. Harrison, form, on the part of that House, the committee on Cherokee lands; that Messrs. Collins, Graham, and Cansler, form the committee on the Library; and that Messrs. Slade, D. McNeil, Hester, Dudley, JACOBS, Bedford, Bryan, and Brummell, form the committee on Finance.

Received also from the House of Commons a message, agreeing to the proposition of the Senate, to refer so much of the Governor's Message as relates to the Public Treasurer's annual Report and the subject of Revenue, to the committee of Finance.

Received also from the House of Commons a message, proposing to ballot immediately for Comptroller of Public accounts; which, on motion of Mr. Mebane, was ordered to lie on the table.

On motion of Mr. Hogan, ordered that a message be sent to the House of Commons, proposing to ballot on Monday next for a Comptroller of Public Accounts.

Received from the House of Commons a message, proposing to ballot immediately for Secretary of State; which proposition was agreed to: Whereupon Messrs. Morehead and Bryan, were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message: Whereupon, a message was received from that House, stating that Messrs. Horton and Siler are appointed to superintend the balloting on their part.

Mr. Wellborn presented the resignation of Benjamin McNeil, a justice of the peace for the county of Wilkes; and Mr. Houlder presented the resignation of John Boon, a justice of the peace for the county of Johnson; which were severally read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, proposing to ballot immediately for Public Printer, and stating that Philo White and Thomas J. Lemay, were in nomination for the appointment. A motion was made by Mr. Wellborn to lay the message on the table; which was not agreed to. The question then recurring on the question of concurrence, it was decided in the affirmative: Whereupon, Messrs. Wilson and Marsteller were appointed a committee to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message: Thereupon, a message was received from that House, stating that Messrs. Hall and Hill attend the Senate as superintendents of the balloting on their part.

Mr. Bryan, from the committee appointed to conduct the balloting for Secretary of State, reported that William Hill, having received a majority of votes, is duly elected; in which report, the Senate concurred.

Received from the House of Commons a message, proposing to ballot immediately for colonel and lieutenant colonel of Cavalry attached to the 16th brigade, and stating that Henry R. Beard, and Charles R. Eaton, are in nomination for colonel, and Henderson Staunfield for lieut. col.: the proposition was agreed to: Whereupon, Messrs. Wyche and Kerr, were appointed to conduct the balloting on the part of the Senate. Thereupon, a message was received from that House, stating that Messrs. Cotten and Jones attend the Senate as superintendents of the balloting on their part.

Mr. Marsteller, from the committee appointed to superintend the balloting for Public Printer, reported that Philo White having received a majority of votes, is duly elected; in which report the Senate concurred.

Received from the House of Commons a message, proposing that the two Houses proceed to ballot immediately for brigadier General of the 2d brigade and sixth division of North Carolina militia, and stating that Alexander McRae is in nomination for the appointment; the proposition was agreed to: Whereupon, Messrs. Hill and Kerr, were appointed to conduct the balloting on the part of the Senate; and the House of Commons was informed thereof by message. Thereupon, a message was received from that House, stating that Messrs. Baker and Walker attend the Senate as superintendents of the balloting on their part.

Received from the House of Commons, the resignations of the following justices of the peace, and field officers, to wit: Elijah Murrel, a justice of the peace for the county of Onslow; Peter Elliott, a justice of the peace for the county of Camden; William Mills, a justice of the peace for the county of Columbus; George Crowell, a justice of the peace for the county

of Wayne; Robert Gaston, a justice of the peace for the county of Lincoln; Gideon Bynum, a justice of the peace for the county of Pitt; Charles Holland, a justice of the peace for the county of Beaufort; D. G. Holcomb, a justice of the peace for the county of Surry; John Fowler, a justice of the peace for the county of Sampson; Henry Godwin, a justice of the peace for the county of Sampson; W. M. Gold, a justice of the peace for the county of Rutherford; John C. Slocumb, a justice of the peace for the county of Sampson; William Hearing, a justice of the peace for the county of Camden; Lauchlin McKennan, a justice of the peace for the county of Moore; and Solomon Jones, a justice of the peace for the county of Ashe; James McPherson, major of the 2d regiment of the first brigade of North Carolina militia; David Watson, colonel commandant of the 94th regiment of North Carolina militia; George C. Neill, colonel commandant of the 82d regiment of North Carolina militia; and William A. Wilson, major of the 76th regiment of North Carolina militia.

The Senate then adjourned until Monday morning, 10 o'clock.

MONDAY MORNING, NOVEMBER 23, 1835.

On motion of Mr. Arrington, ordered that Henry G. Williams, the Senator from the county of Franklin, have leave of absence from the service of the Senate, for to-day and to-morrow.

Mr. Wyche, from the committee appointed to conduct the balloting for colonel and lieutenant colonel of cavalry attached to the 16th brigade, reported that no person in nomination had received a majority of votes for colonel; and that Henderson Stanfield having received a majority of votes as lieutenant colonel is duly elected; in which report the Senate concurred.

Mr. Hill, from the committee appointed to conduct the balloting for brigadier general of the 3rd brigade, 6th division of North Carolina Militia, reported that Alexander M'Rae having received a majority of votes, is duly elected; in which report the Senate concurred.

Mr. Wyche presented a resolution authorising the committee on Finance to burn such treasury notes as may be in the Treasurer's office; which was read the first, second and third times, passed and ordered to be engrossed; and a message was sent to the House of Commons asking their concurrence in the engrossed resolution.

On motion of Mr. Waugh, ordered that the committee on Finance be instructed to inquire into the expediency of authorising the Public Treasurer to provide means for paying the residue of the stock unsubscribed, which was reserved to the State in the Bank of the State; whether it would not be expedient to authorize him to issue stock, bearing an interest not exceeding five per cent. per annum, with authority to dispose of it on the best possible terms, either in or out of the state; provided it can be effected at par; or the expediency of relinquishing the right to take the amount which has not been subscribed and paid for; and that they be further instructed to take into consideration the expediency of increasing the circulating medium of the state.

On Motion of Mr. Bryan,

Resolved, that the Judiciary Committee be instructed to inquire into the expediency of amending the existing statutes on the subject of gaming, so as more effectually to suppress the vice, and to render it highly penal in all concerned to engage in the same.

Resolved, That the said committee be further instructed to inquire into the expediency of amending the act of 1832, chapter 1129, laying a tax on public tables, constructed or erected for playing games of chance, so as to amount to a total prohibition of the same.

Mr. Reid presented a bill, entitled a bill to incorporate the County Guard in Rockingham; which was read the first and second times and passed, and, on motion of Mr. Polk, ordered to be referred to the committee on Military Affairs.

Received from the House of Commons a message, announcing that Messrs. Smallwood, J. Harrison, Sloan, and J. H. Perkins, compose the committee on enrolled bills, on the part of that House.

Mr. Joyner presented a bill, entitled a bill to increase the capital stock of the Weldon toll bridge company; which was read the first, second, and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, announcing that Messrs. Watson and M'Cleese attend the Senate to conduct the balloting on the part of that House for comptroller of public accounts, heretofore agreed on by the two houses to take place this day: Whereupon Messrs. Kendall and Waugh were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Lindsay, ordered that a message be sent to the House of Commons, proposing that a balloting be had immediately for brigadier general of the 1st brigade 1st division of North Carolina Militia, and stating that N. R. M'Pherson, and Samuel Mercer, are in nomination for the appointment: Whereupon a Message was received from that House, stating their concurrence in the proposition, and that Messrs. Bell and Pickett form the balloting committee on their part; and thereupon Messrs. Lindsay and Tillet were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Wilson presented a bill, entitled a bill defining the duty of the county court, in appointing Patrols, and the duty of Patrols; which was read the first time, and, on motion of Mr. Hogan, ordered to be printed.

On motion of Mr. Mebane,

Resolved, That the committee on Military affairs be instructed to inquire into the State of the public arms deposited in the city of Raleigh, and that they report the condition of the same, especially in relation to the strength and sufficiency of the House in which they are deposited.

Received from the House of Commons a message, proposing to ballot again immediately for colonel of cavalry attached to the 16th brigade; which proposition was agreed to, and Messrs. Wyche and Williams (of Person) were appointed to conduct the balloting on the part of the Senate; and the House of Commons was informed thereof by message: Whereupon a message was received from that House, announcing that Messrs. Bell and Borland attend the Senate as superintendants of the balloting on their part.

Mr. Waugh, from the committee appointed to conduct the balloting for Comptroller of Public Accounts, reported that Nathan A. Stedman, having received a majority of votes, is duly elected; in which report the Senate concurred.

Mr. Reid presented the resignation of Thomas J. Patterson, Lieutenant Colonel of the 67th Regiment of North Carolina Militia; which was read and accepted, and sent to the House of Commons.

Mr. Wellborn presented a statement from George Gilbreath, Captain of the Wilkes county artillery company, of the number of public arms, &c. in his possession, and asking the Legislature to make some disposition of said arms, and to make compensation to him for the expense he has incurred in cleaning them, &c. Ordered, on motion of Mr. Wellborn, to be referred to the committee on Military Affairs.

Mr. Wellborn presented the petition of Archibald Loveless, and his wife Jean, praying the Legislature to pass an act for the emancipation of a coloured woman named Carolina, and her three children, Susan Parmelia Cooke, Acha Tomlinson Cook, and James Ellis Cooke. Ordered, on motion of Mr. Wellborn, to be referred to the committee on Propositions and Grievances.

Mr. Lindsay, from the committee appointed to conduct the balloting for Brigadier General of the 1st brigade of the 1st division of North Carolina Militia, reported that James N. M'Pherson, having received a majority of votes, is duly elected; in which report the Senate concurred.

Mr. Wyche, from the committee appointed to conduct the balloting for colonel of cavalry attached to the 16th brigade, reported that Charles R. Eaton, having received a majority of votes, is duly elected, in which report the Senate concurred.

Mr. Edmonston presented a bill, entitled a bill to authorize a subscription, upon the part of this State, to the capital stock of the Oconalufty Turnpike Company; which was read the first time and passed, and, on motion of Mr. Hogan, ordered to be referred to the committee on Internal Improvement.

Received from the House of Commons a message, proposing to ballot immediately for Governor of the State, and announcing that Richard Dobbs Spaight, and William B. Meares, are in nomination for the appointment. A motion was made by Mr. Wilson, that the balloting be postponed until Thursday next; which was not agreed to. Ayes 28, Noes 33. The ayes and noes being demanded by Mr. Alexander,

Those who voted in the affirmative, are, Messrs. Alexander, Ballew, Beasley, Bryan, Bullock, Dowd, Harrison, Harry, Hill, Hogan, Joyner, Kendall, Little, M'Queen, Martin, Moody, Morehead, Moore, of R., Moore, of Stokes; Moye, of P., Polk, Selby, Staley, Tillet, Wellborn, Williams of B., Wilson, Young.

Those who voted in the negative, are, Messrs. Allison, Arrington, Baker, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonston, Edwards, Exum, Fox, Gambill, Gavin, Houlder, Hussey Kerr, Lindsay, M'Cormick, Marsteller, Mebane, Moye of G., Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehust, Williams of P., Wyche.

The question then recurring on agreeing to the proposition of the House of Commons, it was decided in the affirmative. Messrs. Marsteller and Polk, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message: whereupon a message was received from that House, announcing that Messrs. Hoke and King attend the Senate as superintendents of the balloting on their part.

Mr. Marsteller, from the committee appointed to conduct the balloting for Governor, reported that Richard D. Spaight, having received a majority of votes, is duly elected, in which report the Senate concurred.

Received from the House of Commons, the resignations of the following Justices of the Peace, to wit: William Free, a justice of the peace of the county of Randolph; Allen Rogers, a justice of the peace for the county of Wake; James H. Mumford, a justice of the peace for the county of Onslow; Alexander Little, a justice of the Peace for the county of Robeson; and Athen Wolsey, a justice of the Peace for the county of Hyde; endorsed in that House "read and accepted," and which were severally read and accepted by the Senate.

The Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY MORNING, NOVEMBER 24, 1835.

A message was sent to the House of Commons, stating that the Senate

has passed the following engrossed bill to wit: A bill to increase the capital stock of the Weldon Toll Bridge Company; in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating the concurrence of that House in the proposition of the Senate, to refer so much of the Governor's Message, as recommends the adoption of measures to prevent the interference of citizens of other States with our domestic police, to a joint select committee of twenty-six members; and that Messrs. Saunders, Muse, Lee, Moore, Coor, Taylor, Jordan, Williamson, Gorrell, Rush, Hutchison, Carson, and Clingman, form their branch of the committee.

Received from the House of Commons the certificate of the county court of Cumberland; on behalf of Mrs. Isabella Campbell, a pensioner of the State, endorsed, "read, and, on motion of Mr. Hybart, ordered to be countersigned by the Speaker of this House and sent to the Senate:" ordered, on motion of Mr. M'Cormick, to be countersigned by the Speaker of the Senate.

Received also from the House of Commons the certificate of pension of the county court of Mecklenburg, in favor of Martha Thompson, a Pensioner of the State, endorsed "read, and, on motion of Mr. Hutchison, ordered to be countersigned by the Speaker of this House and sent to the Senate:" ordered, on motion of Mr. Fox, to be countersigned by the Speaker of the Senate.

The Speaker announced to the Senate, that Messrs. Polk, Edwards, Little, Moyer, G., Hill, Allison, Wellborn, Edmonston, Beasley, Kerr, Mebane, Wilson and Fox, form the committee on the part of the Senate, on so much of the Governor's Message as recommends the adoption of measures to prevent the interference of the citizens of other States with our domestic police; and the House of Commons was informed thereof by message.

Mr. Edmonston presented the petition of sundry citizens of the county of Haywood, praying the Legislature to change the amount of the stock subscribed by the State for the use of the Deep Creek Turnpike Road, to the use of the Turnpike Road, on Oconalufy; also another petition containing the same prayer, from sundry other citizens of said county; which, on motion of Mr. Edmonston, were severally ordered to be referred to the committee on Internal Improvement.

Mr. Wilson presented a bill, entitled a bill providing a reward for taking up runaway slaves, the property of citizens of this State, in non-slaveholding States; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bill, to wit; A bill to amend an act entitled an act, for the cutting a navigable canal from the waters of Elizabeth river in the State of Virginia, to the waters of Pasquotank river in North Carolina, passed in Virginia, December 1st 1787; whereupon the said bill was read the first time and passed. A motion was made by Mr. Wilson, to amend the bill, by inserting the following, so as to stand as the second and third sections of the bill, to wit:

Be it further enacted, That after the next general meeting of the stockholders of the Dismal Swamp Canal Company, on the first Monday in May next, the next general meeting shall be on the first Monday in November, 1836, and continued by adjournment as heretofore, and the first Monday in November in each year afterwards.

Be it further enacted, That at the election of President and Directors of the said company, which shall take place in May next, the same shall be elected until the first Monday in

November, 1836; when the President and Directors shall be elected for one year; and so shall be elected on the first Monday in each year, in manner and form as heretofore.

Which on motion was agreed to; the bill was then read the second time and passed as amended, and the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of so amending the road laws, as to compel the county courts to assign, in proper proportions, the hands who are required to perform duty in their respective counties, so as not to require the same hands to work more than one public road; and that they report by bill or otherwise.

Mr. Wellborn presented the petition of sundry citizens of the county of Wilkes, praying the legislature to incorporate them into a volunteer rifle company: ordered, on motion of Mr. Wellborn, to be referred to the committee on Military Affairs.

Mr. Brittain presented the petition of William B. Morgan, praying to be divorced from his wife Polly: ordered, on motion of Mr. Brittain, to be referred to the committee on Propositions and Grievances.

Received from the House of Commons a message, proposing to raise a joint select committee of two, to wait upon the Governor elect, inform him of his appointment, and ascertain when he will appear before the two Houses to take the oaths of office; which proposition was agreed to, and Messrs. Edwards and Polk were appointed the committee on the part of the Senate, and the House of Commons was informed thereof by message: whereupon a message was received from that House, stating that Messrs. Hoke and Witcher form their branch of the committee.

Received from the House of Commons a message, accompanied by a communication from His Excellency the Governor, with the report of the president and directors of the Literary fund, with a proposition that the same be printed, one copy for each member of the Legislature: the proposition was concurred in, and the House of Commons was informed thereof by message.

Mr. Wyche presented a bill, entitled a bill to provide for the payment of instalments on the shares reserved to the State in the capital stock of the Bank of the State of North Carolina; which was read the first time, and passed, and on motion of Mr. Wyche, ordered to be referred to the committee on Finance.

Received from the House of Commons a message, proposing to ballot on Thursday next for solicitor of the second judicial circuit, and stating that Edward Stanly, Stephen Miller and James W. Bryan, are in nomination for the appointment: the proposition was concurred in, and the House of Commons informed thereof by message.

Received from the House of Commons a message, proposing to ballot on Thursday next, for a Judge of the Superior court of law and Equity, and stating that John L. Bailey is in nomination for the appointment: the proposition was concurred in, and the House of Commons informed thereof by message.

Mr. Wilson presented a bill, entitled a bill authorising the Governor to issue his warrant to some one of the Judges of the Supreme court, commanding him to fill any vacancy that may occur by death resignation or otherwise of any of the Judges of the Superior courts of law and Equity of this State; which was read the first time and passed, and on motion of Mr. Wilson, ordered to be referred to the committee on the Judiciary.

On motion of Mr. Wyche, a message was sent to the House of Commons, proposing to ballot on Friday next for solicitor general, and stating that John F. Poindexter and John M. Dick are in nomination for the appointment.

Received from the House of Commons, the resignations of the following justices of the peace, to wit: Willie Bunting, a justice of the peace for the county of Nash; Thomas M'Call, a justice of the peace for the county of Mecklenburg; also the resignation of Asael Vick, colonel of the 22nd regiment of North Carolina militia; and the resignation of Alney Burgin, brigadier general of the 15th brigade of N. Carolina militia, endorsed in that House "read and accepted;" and which were severally read and accepted by the Senate.

The Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 25, 1835.

Mr. Brittain presented the petition of Edward L. Poindexter, of the county of Macon, praying the Legislature to take a portion of the stock of the Smoky Mountain Turnpike Road, &c. Ordered, on motion of Mr. Brittain, to be referred to the committee on Internal Improvement.

Mr. Hogan presented the petition of sundry citizens of the county of Davidson, praying the Legislature to emancipate Luke, a Slave, the property of Richard Loftin, of said county: Ordered, on motion of Mr. Hogan, to be referred to the committee on Propositions and Grievances.

Mr. Polk presented the petition of Elizabeth McCaw, of Rowan county, praying to be divorced from her husband, E. B. McCaw: Ordered, on motion of Mr. Polk, to be referred, together with the accompanying documents, to the committee on Propositions and Grievances.

Mr. Rabun presented the petition of Catharine Parks, wife of Gabriel L. Parks, of the county of Buncombe, praying to be divorced from her said husband: Ordered, on motion of Mr. Rabun, to be referred to the committee of Propositions and Grievances.

Mr. Dowd presented the petition of Jesse Sanders, of the county of Moore, praying the Legislature to legitimate Hardy Lewis, and Brittain Lewis; and that their names be altered to Hardy Sanders, and Brittain L. Sanders. On motion of Mr. Dowd, ordered to be referred to the committee on Propositions and Grievances.

Mr. Wyche, from the committee on Finance, reported a resolution, requiring the Public Treasurer to procure specie Change for the redemption of the Treasury notes; which was read the first time. Mr. Wellborn moved to amend the resolution, in the second line thereof, by striking out the words "of the Coin of the United States;" which motion was not agreed to. A motion was made by Mr. Wyche, to amend the Resolution, by striking out, at the end thereof, the words "two thousand five hundred dollars;" which was agreed to. The question then recurring on the passage of the Resolution, it was decided in the affirmative: Whereupon, the Resolution was read the third time, passed, and ordered to be engrossed.

Mr. Edwards, from the committee raised on that subject, reported that Richard D. Spaight would, on Thursday the 10th day of December, wait on the Legislature, for the purpose of taking the oaths of Office.

The Speaker presented to the Senate, the resignation of Richard D. Spaight, the Governor elect, as Senator from the county of Craven; which

was read and accepted, and sent to the House of Commons. Whereupon, on motion of Mr. Edwards, ordered that a writ of election issue to the Sheriff of said county, commanding him to hold an election on the fifth day of December next, to supply the vacancy.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to ballot on Friday next for Solicitor General; and that John S. Guthrie, and John Scott, are in nomination for the appointment.

Mr. Edmonston, from the committee on Propositions and Grievances, to which was referred the petition of Robert Walker, for the emancipation of his Slave, named Jim, reported that it is inexpedient to grant the prayer of the petitioner; and asked leave to be discharged from the further consideration of the subject; which report was concurred in.

Mr. Moyer, of Pitt, presented a bill, entitled a bill to alter the name of Amy Boyd, of the county of Pitt, and to legitimate her; which was read the first and second times and passed: Read the third time, and, on motion of Mr. Edwards, ordered to lie on the table.

Mr. Joyner presented a bill, entitled a bill to amend an act, entitled an act to incorporate the Roanoke and Raleigh Rail Road Company; which was read the first time and passed, and, on motion of Mr. Joyner, ordered to be referred to the committee on Internal Improvement.

Mr. Hogan presented a bill, entitled a bill to amend an act, passed in the year 1822, entitled an act for the division of Rowan county; which was read the first time, and, on motion of Mr. Hogan, ordered to lie on the table.

On motion of Mr. Hogan, a message was sent to the House of Commons, informing that House that Frederick Nash has been added to the nomination for Judge of the superior courts of law and equity.

The bill, providing a revenue for taking up runaway Slaves, the property of citizens of this State, in non-slave holding States, was read the second time. Mr. Wilson submitted the following amendments to the bill, to wit: "Fill up the first blank, in the first section, with the sum of two hundred dollars," the reward; and third blanks, with the sum of "fifty dollars;" and the fourth and fifth blanks, with the sum of "twenty-five dollars;" which amendments were severally agreed to. The question then recurring on the passage of the bill, it was decided in the affirmative, as amended: Whereupon, on motion of Mr. Wilson, the bill was ordered to lie upon the table, and be printed.

On motion of Mr. Cooper, of Martin,

Resolved, That the Committee on Internal Improvement, be instructed to enquire into the expediency of amending the Road Laws, so as to compel all overseers of Public Roads, to report to their respective county Courts, that may happen after the first day of January, in each and every year, the length of the road over which they are Overseer; and their localities, the number of hands subject to work on said roads; and that it shall be the duty of the Courts, to apportion the hands on each road, and compel the Clerks of the respective County Courts, to make such entry, and to transmit his order to each Overseer of Public Roads, in said county, within thirty days after such order is made; and that they report by bill or otherwise.

Mr. Waugh presented a bill, entitled a bill concerning the courts of pleas and quarter sessions, in the several counties in this State; which was read the first time and passed, and, on motion of Mr. Waugh, ordered to be referred to the committee on the Judiciary.

Received from the House of Commons, the resignation of William H.

McLeary, a justice of the peace for the county of Mecklenburg, read and accepted; and which was read and accepted by the Senate.

The Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 26, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the engrossed resolution, requiring the Public Treasurer to procure specie change for the redemption of the Treasury notes; in which they ask the concurrence of that House.

On motion of Mr. Polk, ordered that a message be sent to the House of Commons, informing that House that the name of James W. Bryan is withdrawn from the nomination for Solicitor of the second Judicial Circuit.

Mr. Baker presented the petition of sundry citizens of the county of Yancey, praying that the purchase money for fifty acres of land, paid into the Public Treasury, by Robert Jones of said county, be refunded to him: Ordered, on motion of Mr. Baker, to be referred to the committee on Claims.

The Speaker presented to the Senate the resignation of Robert Brodnax, a justice of the peace for the county of Rockingham; which was read and accepted, and sent to the House of Commons.

Mr. Marsteller, from the committee on military affairs, to whom was referred the petition of sundry citizens of the county of Wilkes, praying the liberty to form a volunteer rifle company, made a report thereon, unfavorable to the prayer of the petitioners; and asking leave to be discharged from the further consideration of the subject: Ordered, on motion of Mr. Wellborn, to be re-committed to the same committee.

Mr. Wyche presented a bill, entitled a bill to provide for a temporary appointment of Registers in certain cases. Mr. Wyche also presented a bill, entitled a bill fixing the punishment for the crime of Bigamy: Whereupon, the said bills were severally read the first time and passed; and, on motion of Mr. Wyche, ordered to be referred to the committee on the Judiciary.

Mr. Little presented a bill, entitled a bill to give exclusive jurisdiction to the superior courts in this State, in all cases where the intervention of a jury may be necessary; which was read the first time and passed; and, on motion of Mr. Little, ordered to be referred to the committee on the judiciary.

Received from the House of Commons a message, stating that the name of Wright Stanly, is added to the nomination of Judge of the superior courts of law and equity.

Received from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate, to the engrossed bill to amend an act, entitled an act for cutting a navigable canal from the waters of Elizabeth River in the State of Virginia, to the waters of Pasquotank River in North Carolina, passed in Virginia, December 1st, 1787: Whereupon, the said bill was ordered to be enrolled.

Received from the House of Commons a message from his Excellency the Governor, accompanied by a communication from the commissioners appointed to revise the statute laws of the State, proposing that the message of the Governor, and the report of the commissioners, except the ac-

companying bills, be printed; and be referred to a joint select committee of six, on the part of each House; which proposition was concurred in; and thereupon, the Speaker announced to the Senate, that Messrs. Wilson, Wyche, Bryan, Edwards, Morehead and Mebane, form the committee on the part of the Senate; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolution; in which they ask the concurrence of the Senate, to wit:

A bill to allow further time for registering grants, proving and registering deeds, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; a bill to establish Pleasant Grove Academy, in the county of Currituck, and to incorporate the trustees thereof; a bill for the better regulation of the courts of pleas and quarter sessions for the county of Onslow; a bill to establish Ford Creek Academy, in the county of Granville, and to incorporate the trustees thereof; a bill to amend an act, entitled an act for the better administration of justice in the county of Onslow, and for other purposes, &c: Resolution in favor of Bartlett Dills: Whereupon, the first named bill was read the first time and passed; the last named bills and resolution were severally read the first, second, and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, announcing that Messrs. Neal and Davenport, attend the Senate, as superintendents of the balloting for Solicitor of the 2d judicial circuit: Whereupon, Messrs. Bryan, and Williams of Beaufort, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Hogan, from the committee on the judiciary, to whom was referred a bill, authorizing the Governor to issue his warrant to some one of the judges of the Supreme court, commanding him to fill any vacancy that may occur by death, resignation, or otherwise, of any of the judges of the Superior courts of law and equity of this State, reported the same without amendment, with a recommendation, that it be rejected: Whereupon, the said bill was read the second time, and resolved that the same shall not pass.

Mr. Hogan, from the same committee, made a similar report on the bill to prevent justices of the peace from issuing ca sas, until a return has been made by some lawful officer, that the defendant has no property; providing for appeals, and for other purposes: Whereupon, the said bill was read the second time, and resolved that the same shall not pass.

Received from the House of Commons a message, announcing that Messrs. Byrd and Buie, attend the Senate to conduct the balloting for a judge on the part of that House: Whereupon, Messrs. Waugh and Hogan were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Bryan, from the committee appointed to conduct the balloting for Solicitor of the second judicial circuit, reported that Edward Stanly having received a majority of votes, is duly elected; in which report the Senate concurred.

The Senate then entered upon the orders of the day, and proceeded to the consideration of the bill defining the duty of the county court, in ap-

pointing patrols, and the duty of patrols. Mr. Stanly moved that the bill be indefinitely postponed; which motion was not agreed to. A motion was made by Mr. Cooper, to amend the bill, by inserting in the last line but one, of the 5th section, after the word "discharged," the words "of all cost." A motion was made by Mr. Wellborn, to amend the bill in the 8th line of the 8th section, by inserting after the word "Shop," the words "or other House of ill fame." A motion was made by Mr. Wilson, to amend the bill, by adding the following proviso, at the end of the 10th section: "Provided that nothing contained in this act, shall be so construed, as to prohibit the owner or manager of any slave, to give each slave a pass, to continue for one month, to visit his wife, at such times and places, as may be particularly described in such pass;" and a motion was made by Mr. Wilson, to amend the bill, by inserting in the third line of the 27th section, after the word "Store," the words "and other houses of ill fame." Which amendments were severally agreed to: Whereupon, the bill was read the second time, and passed as amended.

Mr. Hogan, from the committee appointed to conduct the balloting for a judge of the superior courts of law and equity reported that no person in nomination had received a majority of votes; in which report the Senate concurred

Received from the House of Commons, a message proposing that another balloting be had immediately for judge; which proposition was agreed to, and Messrs. M'Cormick and Harrison were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message: whereupon a message was received from that House announcing that Messrs. Harris and Hassel attend the Senate, as superintendents of the balloting on their part.

Mr. Wilson presented a bill entitled a bill amendatory of the act passed in the year 1822, entitled an act for the relief of debtors for debts which may be contracted after first day of May next, which was read the first time and passed.

Received from the House of Commons the resignations of Thomas M. Adams, a justice of the peace for the county of Beaufort; of Samuel Perkins, major of the 19th regiment of North Carolina militia; of John C. Ridley colonel commandant of the 37th regiment of North Carolina militia; and of Jesse M. Cherry, a justice of the peace for the county of Pitt; endorsed in that House "read and accepted," and which were severally read and accepted by the Senate.

The Senate then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 27, 1835.

Mr. Brittain presented the petition of sundry citizens of Macon county praying the Legislature to pass an act to prevent persons from ranging the woods with dogs, &c. On motion of Mr. Brittain ordered to be referred to the committee on Propositions and Grievances.

Mr. Baker presented the petition of Rachel Edwards, of the county of Yancy, praying to be divorced from her husband Edmund Edwards. On motion of Mr. Baker ordered to be referred to the committee on Propositions and Grievances.

Mr. Marsteller presented a bill entitled a bill authorizing David Thally of

New Hanover county to erect a bridge across the north east branch of the Cape Fear river; which was read the first time, and passed.

Mr. Fox presented a bill entitled a bill to repeal so much of an act passed in the year eighteen hundred and thirty one, entitled an act to incorporate the Charlotte fire engine company, as exempts the members of said company from performing military duty; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. M'Cornick from the committee appointed to conduct the balloting for a Judge of the Superior courts of law and equity, reported that no person in nomination had received a majority of votes, in which report the Senate concurred.

Received from the House of Commons, a message stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit: A bill to amend an act passed in the year 1829, entitled an act for the better regulation of the town of Washington; A bill to abolish the office of county trustee in the county of Moore, and for other purposes; A bill to alter the times of holding the courts of pleas and quarter sessions, for the county of Beaufort: Whereupon the first named bill was read the first, second and third times, passed and ordered to be enrolled; the second named bill was read the first and second times and passed, read the third time, and on of Mr. Dowd, ordered to lie upon the table. The last named bill was read the first and second times, and passed; read the third time, amended on motion of Mr. Williams of Beaufort, and passed as amended: whereupon a message was sent to the House of Commons asking their concurrence in the amendment.

Mr. Moorehead presented a bill entitled a bill to incorporate the Deep River gold mining company, which was read the first time, and passed.

Received from the House of Commons a message announcing that Messrs. Graham, Clark, Carson, Manly, Hybart, and J. W. Guinn, form their branch of the committee, to whom were referred the message of the Governor, and the communication of the Commissioners appointed to revise the statute laws.

The Senate then entered upon the orders of the day.

The engrossed bill to allow further time, for registering grants, proving and registering deeds, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; was read the second and third times, passed, and ordered to be enrolled.

The bill amendatory of the act passed in the year 1822, entitled an act for the relief of debtors for debts which may be contracted after the first day of May next, was read the second and third times, passed, and ordered to be engrossed.

The bill defining the duty of the county court, in appointing patrols, and the duty of patrols, was read the third time, and on motion of Mr. Wilson, ordered to be referred to a select committee of six, consisting of Messrs. Wilson, Marsteller, Williams of F., Fox, Moyer of G, and Dowd.

On motion of Mr. Arrington, a message was sent to the House of Commons, informing that Edward Hall has been added to the nomination for a judge of the superior courts of law and Equity.

Received from the House of Commons a message, proposing to ballot immediately for a judge of the superior courts of law and equity, which proposition was agreed to; Messrs. Joyner and Arrington were appointed

to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House announcing that Messrs. Tuton und Burgess attend the Senate to conduct the balloting on their part.

Mr. Wyche from the committee on Finance to which was referred the bill to provide for the payment of instalments on the shares reserved to the State in the capital stock of the Bank of the State of North Carolina, reported the same with sundry amendments, to wit, fill up the first blank, with the words 400,000; fill up the second blank, with the words 1000; and strike out the last blank, and the words "of the said," which immediately precede it: Ordered, on motion of Mr. Wyche, that the bill together with the amendments lie on the table; and on motion of Mr. McQueen, that the bill and report be printed.

On motion of Mr. Hogan, a message was sent to the House of Commons, announcing that Messrs. Hogan and Edmonston attend that House to conduct the balloting for solicitor general, heretofore agreed on to take place this day; whereupon a message was received from that House, stating that Messrs. George Smith and Giles Smith attend the Senate, as superintendents of the balloting on their part.

Mr. Joyner from the committee appointed to conduct the bolloting for a judge of the superior courts of law and equity, reported that no person in nomination, had received a majority of votes, in which report the Senate concurred.

Mr. Joyner from the committee on internal improvement, to whom was referred the bill to authorize a subscription upon the part of this State, to the capital stock of the Oconalufy turnpike company, made a report thereon, recommending its passage into a law, with an amendment, to wit: strike out all of the last section of the bill, after the word "Provided," and insert the following, to wit: "that no part of the subscription on the part of the State, shall be paid by the public treasurer, until the road aforesaid shall have been finished, and received by the commissioners; and provided further, that the said payment be made out of the fund set apart for internal improvement:" which amendment was agreed to; whereupon the bill was read the second time and passed as amended, read the third time and passed, and ordered to be engrossed.

On motion of Mr. Moorehead, a message was sent to the House of Commons proposing to ballot immediately for judge of the superior courts of law and equity: whereupon a message was received from that House stating their agreement to the proposition, and that Messrs. Tomlinson and Walton attend to conduct the balloting on their part: and thereupon a message was sent to the House stating that Messrs. Moorehead and Exum attend as superintendents of the balloting on the part of the Senate.

Mr. Waugh presented a bill entitled a bill to authorize Hardin Franklin of the county of Surry to erect a dam across Fisher's river, which was read the first time, and passed.

Mr. Hogan from the committee appointed to conduct the balloting for solicitor general reported, that no person in nomination had received a majority of votes, in which report the Senate concurred.

On motion of Mr. Hogan, a message was sent to the House of Commons proposing to ballot again immediately for solicitor general: whereupon a message was received from that House stating their concurrence

the proposition, that the name of John S. Guthrie is withdrawn from the nomination, and that Messrs. Cotten and Watts attend the Senate to conduct the balloting on their part; thereupon a message was sent to the House of Commons announcing that Messrs. Moore of S., and Hussey are appointed to conduct the bolloting on the part of the Senate.

Mr. Ballew presented the resignations of George Deal and W. Greenway, justices of the peace for the county of Burke; which were read and accepted, and sent to the House of Commons.

On motion of Mr. Wilson, the Senate proceeded to consider the bill providing a reward for taking up runaway slaves, the property of citizens of this State, in non-slave-holding States: whereupon the bill was read the second time. Mr. Bryan submitted the following amendment to the bill, to stand as the second and third sections thereof, to wit; "Be it further enacted, That every person who shall apprehend any runaway slave belonging to any citizen of this State in any non slave-holding State, and shall deliver said runaway slave to the owner or other person entitled to receive him or her, in this State, whence said slave absconded, or to any sheriff of this State, shall be entitled to the following reward, to be paid by the owner, or his or her guardian, to wit, for every male slave between the ages of fifteen and fifty, two hundred dollars; for every male slave of the age of fifty and upwards dollars; for every female slave between the ages of twelve and forty five, the sum of dollars; for every female slave of the age of forty five and upwards, the sum of dollars; for every female slave of the age of twelve and under, the sum of dollars; and in case of the delivery of any such runaway, under the provisions of this act, to the sheriff of any county in this State, it shall be the duty of such sheriff to detain the said runaway slave, until the owner or person entitled to receive said runaway has paid the reward, for which he or she is liable under this act; and if the said owner after due advertisement made in one or more of the newspapers of this State by said sheriff, of the apprehension and commitment of said runaway slave, shall fail to apply to said sheriff for the said runaway slave for the space of one month, it shall be the duty of the said sheriff to expose said runaway to public sale, for ready money at the court house door of his county, and said sheriff after paying the reward and charges to the taker up of said runaway, to which he is entitled under this act, and deducting his own commissions and prison charges, is hereby directed to pay over the residue of the amount of sales of said runaway to the county trustee, to be applied as county taxes for the use of said county, provided always, that the said owner may recover the same upon petition to the county court, as prescribed by the act of 1819, chapter 981.

Be it further enacted: That in case any runaway slave taken up according to the provisions of this act shall die after the apprehension and before the delivery of said runaway slave to his or her owner, or to the sheriff of any county in this State, the owner of said runaway slave shall be liable to pay to the taker up of said runaway, all reasonable cost and charges incurred in the apprehension and safe keeping of said runaway, together with such additional compensation as a just regard for the nature and character of his services may entitle him to;" which amendment was agreed to. Mr. Bryan then moved to amend the amendment by filling up the first blank with the word, "fifty;" the second blank with the words, "one

hundred;" the third blank with the words, "twenty five;" and the fourth blank with the words, "twenty five." Mr. Cooper of Martin moved further to amend the amendment by striking out the words "one month, in the 23d line of the first section thereof, and inserting the words "three months," which amendments of the amendment were severally agreed to; and the question then recurring on the passage of the bill as amended, it was decided in the affirmative. Thereupon on motion of Mr. Wyche, ordered to be referred to a select committee consisting of Messrs. Wilson, Cromartie, Bullock, Moye of Pitt, and Hussey.

Mr. Moorehead, from the committee appointed to conduct the balloting for a judge of the superior courts of law and equity, reported that no person in nomination had received a majority of votes; in which report, the Senate concurred.

The Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY MORNING, NOVEMBER 28th, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, in which they ask the concurrence of that House, to wit: A bill to authorize a subscription on the part of the State to the capital stock of Oconalufty turnpike company; A bill amendatory of the act passed in the year 1822, entitled an act for the relief of insolvent debtors for debts which may be contracted after the first day of May next; A bill to repeal so much of an act passed in the year 1831, entitled an act to incorporate the Charlotte fire engine company, as exempts the members of said company from performing military duty.

Mr. Wellborne presented the petition of James Calloway of the county of Wilkes, a member of the House of Commons, in the year 1831-2, praying the legislature to allow him pay for the time he was detained at Raleigh by sickness, after the adjournment of that body: ordered on motion of Mr. Wellborn to be referred to the committee on claims.

Mr. Edmonston from the committee on propositions and grievances, to whom was referred the petition of Elizabeth M'Caw, of Rowan county wife of William B. M'Caw, praying to be divorced from her husband, made a report thereon, accompanied by a bill to carry into effect the prayer of the petitioner, and recommending its passage into a law: whereupon the said bill was read the first time and passed.

Mr. Edmonston from the same committee to whom was referred the petition of Catharine Parks, praying to be divorced from her husband Gabriel Parks, made a report thereon, accompanied by a bill entitled "a bill to divorce Catharine Parks, from her husband Gabriel Parks, and recommending its passage into a law; whereupon the said bill was read the first time and passed.

Mr. Edmonston from the same committee to whom was referred the petition of Archibald Loveless, and his wife Jane, praying the Legislature to emancipate Caroline, alias Caroline Cook, a slave, and her three children, Susan Parmelia Cook, Acha Cook and James Ellis Cook, made a report thereon, accompanied by a bill entitled a bill to emancipate and set free Caroline, alias Caroline Cook, and her three children named Susan Parmelia Cook, Acha Tomlinson Cook and James Ellis Cook," the property of Archibald Loveless Esq. of the county of Wilkes, and recommending that

said bill be passed into a law ; whereupon the bill was read the first time, and passed.

Mr. Moore from the committee appointed to conduct the balloting for solicitor general reported that John F. Poindexter having received a majority of votes, is duly elected ; in which report the Senate concurred.

Mr. Edmonston from the committee on propositions and grievances, to whom was referred the petition of Jesse Sanders of Moore county, praying the Legislature to legitimate Hardy Lewis and Brittain Lewis, and to alter their names, made a report thereon accompanied by a bill entitled a bill to alter the names of Hardy Lewis, and Brittain Lewis of the county of Moore, and to legitimate them, and recommending that said bill be passed into a law : Whereupon the said bill was read the first time and passed.

Mr. Selby presented a bill entitled "a bill to repeal an act entitled an act directing the manner in which constables shall be appointed in this State, as respects the county of Hyde ; which was read the first, and second times and passed, read the third time, and on motion of Mr. Cooper of M., ordered that the consideration thereof be postponed, until Monday next.

Received from the House of Commons a message, proposing to ballot again immediately for a judge of the superior court of law and equity, and stating that John D. Toomer is withdrawn from the nomination ; which proposition was agreed to, Messrs. Mebane and Moye of G., were appointed to conduct the balloting on the part of the Senate : Whereupon a message was received from that House announcing that Messrs. Whitley and Hooker attend the Senate to conduct the balloting on their part.

Mr. Wilson from the committee, to which was referred the bill defining the duty of the county court in appointing patrols, and the duty of patrols, reported the same with sundry amendments, to wit : In the 6th line of the 8th section of the bill, after the word "manager," insert the words, "unless such slave be on his or her owner's or manager's business ;" at the end of the same section add the following proviso, to wit : Provided, that the patrol shall in no case, exceed fifteen lashes, unless by order of the patrol judge : " and at the end of the bill, add the following section, to wit : Be it further enacted, that in all such counties, where the trial by jury has been or may be abolished in the county court, it shall be the duty of the clerk of the county court, to transmit the reports of the patrol judge made upon the warrant herein before described, and the notices served by the sheriff, coroner, and constables, to the superior court of the county where it shall be the duty of the solicitor, to take such steps to enforce the collection of all fines imposed upon negligent or delinquent patrols as herein provided to be taken in the county court, where the trial by jury may be in force.

Received from the House of Commons a message, stating that they have passed the following engrossed bills ; in which they ask the concurrence of the Senate, to wit : A bill providing that no person shall fish, with seine or net in the waters of the Handle, lying between the great Aligator river, and the frying pan in the county of Tyrrel, between sunset and day break ; A bill to authorize the commissioners of the town of Wilmington to increase the taxes on all the property now taxed by law, in said town ; A bill to amend an act entitled an act to establish the Merchants' bank, in the town of Newbern : whereupon the said bills were severally read the first time and passed ; and the first named bill was read the second and third times, passed, and ordered to be enrolled.

The Senate then entered upon the orders of the day, and proceeded to the consideration of the bill defining the duty of the county court in appointing patrols, and the duty of patrols: whereupon the bill was read the second time, and the amendments reported by the chairman of the select committee to which the bill was referred, were severally agreed to.

Mr. Bryan moved the following amendment to the bill, to stand as the 29th section, to wit:

Be it further enacted, That it shall be the duty of the patrol judge, to appoint a leader, or captain of the patrol, from the most discreet persons, of whom the patrol is composed, which leader or captain, shall be accountable for the orderly conduct of his patrol detachment. Provided, that if he shall forthwith report any disorderly conduct, or disobedience of any person of his detachment to the patrol judge, he shall be no further accountable, and if any such patrol shall disobey the orders of his leader or captain, when on duty or otherwise, behave disorderly, he shall be fined by the Patrol, in a sum not exceeding dollars, to be recovered by warrant, as in proceedings before a justice of the Peace, as heretofore prescribed by law; which when recovered shall accrue to the leader or captain, for the use of the patrol Fund, and such disobedient or disorderly patrol shall be moreover liable to pay any damages which may happen to any individual, or his property, in consequence of such disorderly conduct, to be recovered before any court, having competent jurisdiction thereof.

Which amendment was not agreed to: the question then recurring on the passage of the bill, it was decided in the affirmative: whereupon the said bill was read the third time, passed and ordered to be engrossed.

The bill to incorporate the Deep river gold mining company; the bill to authorize Hardin Franklin of the county of Surry to erect a dam across Fisher's river: the bill authorising David Thally of New-Hanover county to erect a bridge across the north east branch of the Cape Fear River; and the bill to divorce Catherine Parks from her husband Gabriel Parks, were severally read the second and third times, passed, and ordered to be engrossed.

The bill to divorce Elizabeth McCaw, of Rowan county from her husband William B. McCaw, was read the second time and passed, read the third time, and passed, ayes 32, noes 27. The ayes and noes being demanded by Mr. Wyche,

Those who voted in the affirmative, are, Messrs. Allison, Arrrington, Baker, Ballew, Brittain, Cooper of M., Edmonston, Fox, Gambill, Gavin, Harrison, Harry, Hussey, Kerr, Martin, Moore of E., Moore of S., Moye of P., Patterson, Polk, Rabun, Selby, Sharpe, Staley, Tillet, Vann, Wellborn, Whitaker, Williams of B., Williams of F., Williams of P., Young.

Those who voted in the negative, are, Messrs. Alexander, Bryan, Bullock, Cowper of G., Cromartie, Dowd, Edwards, Exum, Hill, Houlder, Joyner, Kendall, Lindsey, Little, Long, McCormick, Marsteller, Mebane, Moody, Moorehead, Moye of G., Reid, Simmons. Stephens, Waugh, Wilson, Wyche.

Whereupon the bill was read the third time, passed and ordered to be engrossed.

Mr. Mebane from the committee appointed to conduct the balloting for a judge of the superior courts of law and equity, reported that no person in nomination had received a majority of votes, in which report the Senate concurred.

On motion of Mr. Edmonston, a message was sent to the House of Commons proposing that another balloting be had immediately for judge of the superior courts of law and equity, and that Edward Hall is withdrawn from the nomination: whereupon a message was received from that House concurring in the proposition, and stating that Wright Stanly is withdrawn from the nomination, and that Messrs. Waddell and Thomas Bell attend the Senate to conduct the balloting on their part: thereupon a message was

sent to that House stating that Messrs. Edmonston and Moorehead are appointed to conduct the balloting on the part of the Senate.

Mr Waugh presented the following resolutions, to wit :

Resolved by the General Assembly of North Carolina, that if Congress should give the unsold territory or public lands of the United States, to the States in which said lands are situated, it would be a plain breach of the public faith, and a dangerous violation of the rights of all the States.

Resolved further, that all the public revenues are collected from the people directly or indirectly, and ought never to exceed the amount of expenditures necessary to the economical administration of the government, and therefore, whenever the proceeds of the sales of the territory or public lands of the United States are not required (in aid of other revenues) for the legitimate purposes of the National Government, it will be the first duty of Congress to diminish the public taxes imposed upon the people of the United States, and thereby reduce the revenue to a sum which, when added to the land sales, will not exceed the actual wants of the Government. But because the value of our Union is beyond the reach of pecuniary calculation, and as it might be hazardous to its stability, to disturb now the system of taxation, which was solately adopted on a compromise of conflicting interests and opinions, upon the subject of the tariff, we believe it to be the duty of Congress to devise some safe method of distributing among all the States, any surplus proceeds of the public lands, which may from time to time, remain in the Treasury of the United States, after defraying its expenditures.

Resolved further, that Congress cannot distribute the proceeds of the sales of the territory or public lands belonging to the United States, or the public lands themselves, in any manner which gives a preference to the new States, in which they are located, without violating the rights and prejudicing the claims of all the States of this Union.

Resolved further, that we sincerely deprecate all attempts on the part of citizens of this State to increase the difficulties, and magnify the jealousies already exhibited upon national questions in respect to our public lands, by giving them a party character, which does not belong to the subject, and thereby holding out inducements to the new States, to put forth urgent and unreasonable demands, and on the other hand by denouncing these claims with bitter reproaches, so as to kindle a blaze of discontent in the nation, which (however intended by those who raised it) must ultimately endanger the peace and prosperity of the best government on earth.

Resolved, that His Excellency the Governor of this State be requested to transmit forthwith a copy of the foregoing resolutions, to each of the Senators and Representatives from North Carolina, in the Congress of the United States.

Which resolutions were read the first time and passed, and on motion of Mr. Waugh, ordered to lie on the table, and be printed.

On motion of Mr. Polk, ordered that Mr. Hogan have leave of absence from the service of the Senate, from and after to-day, until Monday next.

Mr. Edmonston, from the committee appointed to conduct the balloting for a Judge, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

On motion of Mr. Wilson, a message was sent to the House of Commons, proposing that another balloting be had immediately for a Judge. Whereupon, a message was received from that House, stating their concurrence in the proposition; and that Messrs. Roebuck and Joseph H. Walker, attend the Senate to conduct the balloting. Messrs. Wilson and Reid were thereupon appointed to conduct the balloting on the part of the Senate; and the House of Commons informed thereof by message.

The Senate then adjourned until Monday-morning, 10 o'clock.

MONDAY, NOVEMBER 30, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit : A bill defining the duty of the county court in appointing patrols, and the duty of patrols; a bill to incorporate the Deep River Gold Mining Company; a bill to divorce Elizabeth McCaw of Rowan county, from William B. McCaw; a bill to

divorce Catharine Parks, from her Husband Gabriel Parkes; a bill to authorize David Thally, of New Hanover county, to erect a bridge across the North-East branch of the Cape Fear river; and a bill to authorize Hardin Franklin, of Surry, to erect a dam across Fisher's river; in which they ask the concurrence of the House of Commons.

On motion of Mr. Waugh,

Resolved, That the Joint Select Committee, on the subject of the revised Code, be instructed to ascertain, as near as practicable, the probable expense of printing, re-enacting and publishing the revised Code, now in the course of preparation by the Commissioners appointed for that purpose; and report the result of their inquiry to this House.

Mr. Wilson, from the committee appointed to conduct the balloting for a Judge of the superior courts of law and equity, reported that no person in nomination had received a majority of votes; in which report the Senate concurred. On motion of Mr. Wilson, a message was sent to the House of Commons, proposing that another balloting be had immediately for a Judge of the superior courts of law and equity, and that the name of Frederick Nash is withdrawn from the nomination: Whereupon, a message was received from that House, stating their concurrence in the proposition; that the name of John M. Dick, is added to the nomination, and that Messrs. Jordan and Gary, attend the Senate to conduct the balloting on the part of that House: Thereupon, the House of Commons was informed by message, that Messrs. Wilson and Morehead, attend that House, to conduct the balloting on the part of the Senate.

Mr. Cowper, of Gates, presented a bill, entitled a bill giving the county courts of this State authority to abolish the offices of county trustee and treasurer of public buildings; which was read the first time and passed.

Received from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate, to the engrossed bill to alter the times of holding the courts of pleas and quarter sessions for the county of Beaufort: ordered that the bill be enrolled.

Received also from the House of commons a message, proposing that the report of the commissioners, charged with the superintendence of the rebuilding of the State Capitol, be referred to a joint select committee, to be raised on the subject of public buildings, and that it be printed; which proposition was concurred in.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills and resolution, in which they ask the concurrence of the Senate, to wit: A bill to suppress, more effectually, the vice of gaming in this State; a bill to prevent the obstructing the passage of fish up Sugar town Fork, of the Tennessee river in the county of Macon; a bill making compensation to tales jurors, in the county of Robeson; a bill to alter the time of opening and closing the polls of the elections in the county of Chowan; a bill making valid certain proceedings of the county courts of Haywood county; a bill to amend an act, entitled an act making compensation to the jurors of the county of Chowan; and a resolution directing the Public Treasurer not to commence suits upon the Cherokee bonds, until the first December, 1836: Whereupon the said bills and resolution were severally read the first, second and third times, passed, and ordered to be enrolled; except the first named bill, which was read the first time and passed, and on motion of Mr. Wyche, ordered to be referred to the committee on the judiciary; and the fourth

named bill, which was amended on motion of Mr. Cowper, of Gates, by extending its provisions to the county of Gates; and a message was sent to the House of Commons, asking their concurrence in the amendment.

Mr. Joyner, from the committee on Internal Improvement, to which was referred the bill to amend an act, entitled an act to incorporate the Roanoke and Raleigh Rail Road company, reported the same with an amendment, to wit: strike out the 6th section thereof: Whereupon, the said bill was read the second time, the amendments concurred in, and the bill passed as amended. Read the third time. Mr. Joyner moved further to amend the bill, by filling up the first blank, with the names of "Daniel Turner and Peter R. Davis;" the second blank, with the names of "Russel Kingsbury, and Lunsford A. Paschal;" and the third blank, with the names of "William P. Williams, and Henry J. G. Ruffin;" which amendments were severally agreed to: The question then recurring on the passage of the bill and amendments, it was decided in the affirmative, and ordered to be engrossed.

Mr. Joyner, from the same committee, to which was referred the resolution, directing them to enquire into the expediency of amending the road laws, &c. made a report thereon, accompanied by a bill, to carry into effect the object contemplated by said resolution, with a recommendation that said bill be passed into a law: Whereupon, the bill was read the first time and passed.

Mr. Wilson, from the committee appointed to conduct the balloting for a Judge of the superior courts of law and equity, reported that John M. Dick having received a majority of votes, is duly elected; in which report, the Senate concurred.

The bill to repeal an act, entitled an act directing the manner in which Constables shall be appointed in this State, as respects the county of Hyde, was read the second time. A motion was made by Mr. Moyer, of Green, to extend the provisions to the county of Green; which was agreed to: The question then recurring on the passage of the bill, as amended, it was decided in the affirmative: Whereupon, the bill was read the third time, passed, and ordered to be engrossed.

The bill to emancipate and set free Caroline, alias Caroline Cook, and her three children, named Susan Parmelia Cook, Acha Tomlinson Cook, and James Ellis Cook, the property of Archibald Loveless, of the county of Wilkes, was read the second and third times, passed, and ordered to be engrossed.

Mr. Marsteller presented a bill, entitled a bill authorising and empowering the captains or commanding officers of militia, attached to the 30th and 31st regiments of North Carolina militia, to muster their respective companies once in three months; which was read the first time and passed. A motion was made by Mr. Fox, to extend the provisions of the bill to the 68th regiment of North Carolina militia; which amendment was agreed to: Whereupon, the bill was read the second and third times, passed as amended, and ordered to be engrossed.

Received from the House of Commons, a certificate of the county court of Iredell, in behalf of Mary Sloan, a pensioner of the State; countersigned by the Speaker of that House, and on motion of Mr. Young, ordered to be countersigned by the Speaker of the Senate.

The engrossed bill to amend an act, entitled an act to establish the Merchants' Bank of the town of Newbern, was read the second time. A motion was made by Mr. Wyche, to strike out the second section of the bill; which was agreed to: The question then recurring on the passage of the bill, as amended, it was decided in the affirmative: Thereupon, the bill was read a third time and passed; and a message sent to the House of Commons, asking their concurrence in the amendment.

The engrossed bill, to authorize the commissioners of the town of Wilmington, to increase the taxes on all the property now taxed by law in said town, was read the second and third times, passed, and ordered to be enrolled.

The bill to alter the names of Hardy Lewis, and Brittain Lewis, of the county of Moore, and to legitimate them, was read the second time, and on motion of Mr. Dowd, ordered to lie on the table.

Mr. Martin presented the resignation of James C. Dockery, major of the 37th regiment of North Carolina Militia; which was read and accepted, and sent to the House of Commons.

Mr. Vann presented a bill, entitled a bill to amend the law so far as respects executors and administrators; which was read the first time and passed: Ordered, on motion of Mr. Bryan, to be referred to the committee on the judiciary.

The bill to alter the name of Amy Boyd, of the county of Pitt, and to legitimate her, heretofore laid on the table, by an order of the House, was taken up on motion of Mr. Moyer, of Pitt, and on his motion, ordered to be referred to the committee on the judiciary.

The Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 1, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill to amend an act, entitled an act to incorporate the Roanoke and Raleigh Rail Road Company; a bill to emancipate and set free Caroline, alias Caroline Cooke, and her three children, named Susan Parmelia Cooke, Acha Tomlinson Cooke, and James Ellis Cooke, the property of Archibald Loveless, of the county of Wilkes; a bill authorizing and requiring captains or commanding officers, attached to the 30th, 31st, and 68th regiments of North Carolina militia, to muster their respective companies, once in three months; and a bill to repeal an act, entitled an act directing the manner in which Constables shall be appointed in this State, so far as respects the counties of Hyde and Green: In which, they ask the concurrence of that House.

A message was sent to the House of Commons, stating the concurrence of the Senate, in the proposition of the House, to print the report of the commissioners charged with the superintendence of the State Capitol; and to refer the same to a select committee; and stating that Messrs. Hill, Cooper of Martin, Kendall, Reid, and Whitaker, form the committee on the part of the Senate.

Mr. Edmonston, from the committee on propositions and grievances, to which was referred the petition of Richard Loftin, of the county of Davidson, praying the Legislature to emancipate his negro slave Luke, made a report thereon unfavorable to the prayer of the petitioner; and asking to

be discharged from the further consideration of the subject; which report was concurred in, and the committee discharged accordingly.

Mr. Moye, from the committee on military affairs, to which was referred the bill to incorporate the county Guard in Rockingham, reported the same with an amendment, to wit: "Strike out the second section of the bill;" with which amendment, they recommended its passage into a law: Whereupon, the bill was read the second time, the amendment reported by the committee, agreed to, and the bill passed. The bill was then read the third time and passed, and ordered to be engrossed.

Mr. Wilson, from the select committee, to which was referred the bill providing a reward for taking up runaway slaves, the property of citizens of this State, in non-slave holding States, reported the same without amendment, with a recommendation that it be passed into a law. Whereupon, the said bill was read the third time. A motion was made by Mr. Wellborn, to amend the bill in the 8th line of the 4th section thereof, by inserting after the word "Philadelphia," the word "Cincinnati;" which was agreed to, and the bill was passed, as amended, and ordered to be engrossed.

On motion of Mr. McCormick,

Resolved, That the Committee on Military affairs, be instructed, more effectually, to provide for the safe-keeping of the Public Arms now, or which may hereafter be deposited in the Arsenal in the town of Fayetteville; or, that the Adjutant General may be required to remove the same from that place; and that they report by bill or otherwise.

Mr. Tillet presented the resignation of M. G. Dozier, a justice of the peace for the county of Camden. Mr. Stephens presented the resignation of Levi Sawls, a justice of the peace for the county of Columbus; and Mr. Little presented the resignation of Thomas Griffin, a justice of the peace for the county of Onslow; which were severally read and accepted, and sent to the House of Commons.

On motion of Mr. Polk, ordered that a message be sent to the House of Commons, proposing to ballot immediately for brigadier general, of the 15th brigade of North Carolina militia; and stating that Solomon Loundermilk and James M'Dowel, are in nomination for the appointment.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to divorce Thomas White, of Craven county, from his wife Mahala; a bill to pay jurors in Yancy county; a bill to alter the name of Martha Ann Screws, and to legitimate her: Whereupon, the first and last named bills, were read the first time and passed, and laid on the table,—the first, on motion of Mr. Edwards, and the last, on motion of Mr. Arrington. The second named bill was read the first, second, and third times, passed, and ordered to be enrolled.

The Senate then entered upon the orders of the day, and proceeded to consider the bill giving the county courts of this State, authority to abolish the offices of county trustee and treasurer of public buildings. The bill was read the second time Mr. Reid moved to lay the bill on the table; which motion was not agreed to. Mr. Cowper of Gates, moved that the bill be referred to the committee on the judiciary; which motion was also not agreed to. The question then recurring on the passage of the bill, it was decided in the negative—Ayes 30, Noes 30: the question being decided by the casting vote of the Speaker of the Senate, who voted in the negative. The ayes and noes having been demanded by Mr. Cowper of Gates,

Those who voted in the affirmative are, Messrs. Alexander, Allison, Baker, Brittain, Bullock, Cooper of M., Cowper of G., Dowd, Edmonson, Exum, Fox, Hussey, Kendall, Kerr, Little, McCormick, Marsteller, Martin, Morehead, Moye of G., Moye of P., Patterson, Polk, Selby, Staley, Stephens, Waugh, Wellborn, Wyche.

Those who voted in the affirmative are, Messrs. Arrington, Ballew, Beasley, Bryan, Cromartie, Edwards, Gambill, Gavin, Harry, Hill, Hogan, Houlder, Joyner, Long, McQueen, Moody, Moore of R., Moore of S., Rabun, Reid, Sharpe, Simmons, Tillet, Vann, Whitaker, Whitehurst, Williams of B., Williams of F., Williams of P., Young.

The bill to amend the road laws, now in force in this State, relating to public roads, was read the second time. A motion was made by Mr. Edwards to amend the bill, by inserting between the words "the" and "length," in the 9th line of the 1st section thereof, the word "reputed." A motion was also made by Mr. Reid, to amend the bill, by inserting in the 6th line of the first section, between the words "of" and "in," the word "August;" which was severally agreed to. The question then recurring on the passage of the bill, it was decided in the negative—Ayes 17, Noes 44. The yeas and nays being demanded by Mr. Edmonston,

Those who voted in the affirmative are, Messrs. Baker, Bryan, Cooper of M., Edwards, Fox, Hill, Joyner, Kerr, Long, McCormick, Morehead, Polk, Rabun, Selby, Waugh, Williams of B., Young.

Those who voted in the negative are, Messrs. Alexander, Allison, Arrington, Ballew, Beasley, Brittain, Bullock, Cowper of G., Cromartie, Dowd, Edmonson, Exum, Gambill, Gavin, Harry, Hogan, Houlder, Hussey, Kendall, Little, McQueen, Marsteller, Martin, Mebane, Moody, Moore of R., Moore of S., Moye of G., Moye of P., Patterson, Reid, Sharpe, Simmons, Staley, Stephens, Tillet, Vann, Wellborn, Whitaker, Whitehurst, Williams of F., Williams of P., Wilson, Wyche.

Mr. Bryan, from the committee on the judiciary, to which was referred the resolution directing them to enquire into the expediency of any further legislation, more effectually to suppress the vice of gaming; and the engrossed bill on that subject, from the House of Commons, reported a bill, entitled a bill more effectually to suppress the vice of gaming in this State, with a recommendation, that it be passed into a law: Whereupon, the said bills was read the first time and passed, and ordered, on motion of Mr. Edwards, to be printed.

Received from the House of Commons a message, stating their disagreement to the proposition of the Senate, to ballot immediately for brigadier general of the 15th brigade of North Carolina militia; but proposing to ballot for that office on to-morrow. The proposition was agreed to; and the House of Commons was informed thereof by message.

Mr. Hogan presented a bill, entitled a bill to incorporate the Conrad Gold Mining Company; which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Tillet presented a bill, entitled a bill providing compensation to the Sheriffs of the several counties in this State, for making returns of the votes given at the last election for adoption or rejection of the Constitution: which was read the first time and passed.

Mr. Little presented the following Resolution, to wit:

Resolved, That the Committee on Finance be instructed to enquire into what alterations (if any) are necessary to be made in the law respecting the manner in which lands are assessed for taxation; also, what alterations, if any, are necessary to be made in the present mode of listing taxable polls; and that they further enquire into what, if any, other property, not already enumerated in our Statutes, ought to be subject to taxation; and that they report by bill or otherwise.

And on the question of adoption, it was decided in the negative.

The Senate then adjourned until to-morrow morning, 10 o'clock.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill to incorporate the Conrad Gold Mining Company; a bill to incorporate the county Guard, in Rockingham; and a bill providing a reward for taking up runaway Slaves, the property of citizens of this State, in non-slave holding States; in which they ask the concurrence of that House.

Mr. Brittain presented the memorial of Elizabeth M. Starnes of the county of Macon, praying to be divorced from her husband John Starnes; together with a bill to divorce Eliza M. Starnes, of Macon county. Ordered, on motion of Mr. Brittain, to be referred to the committee on Propositions and Grievances, together with the accompanying documents.

Mr. Bryan presented the memorial of sundry citizens of the county of Carteret, praying the Legislature to instruct our Senators and request our Representatives in Congress, to use their best endeavours to procure an appropriation for the improvement of the navigation of Core Sound. On motion of Mr. Bryan, ordered to be referred to the committee on Internal Improvement.

Mr. Edmonson, from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of the county of Macon, praying the Legislature to pass a law to prevent hunting with dogs in the woods, made a report thereon unfavorable to the prayer of the petitioners; and asking to be discharged from the further consideration of the subject; which was concurred in, and the committee discharged accordingly.

Mr. Edmonson, from the same committee, to which was referred the petition of sundry citizens of the county of Yancy, in behalf of Rachel Edwards, praying that the said Rachel Edwards may be divorced from her husband Edmond Edwards, reported a bill, entitled a bill to divorce Rachel Edwards of Yancy county, with a recommendation that it be passed into a law. Whereupon, the said bill was read the first time and passed, and on motion of Mr. Edmonston, ordered to lie on the table.

Mr. Moyer of Green, from the committee on claims, to which was referred the petition of James Calloway, a member of the General Assembly in the year 1831, praying the Legislature to allow him pay for the time he was detained in Raleigh, by sickness, after the adjournment of the Legislature, made a report thereon favorable to the prayer of the petitioner; accompanied by a resolution in favor of said James Calloway; and recommending the passage of said resolution: Whereupon, the said resolution was read the first and second times and passed: read the third time and passed—Ayes 36, Noes 25. The ayes and noes being demanded by Mr. Morehead,

Those who voted in the affirmative, are, Messrs. Alexander, Baker, Ballew, Beasley, Brittain, Bryan, Cooper of M., Edwards, Exum, Fox, Gambill, Harrison, Harry, Hill, Houlder, Joyner, Little, Long, McQueen, Marsteller, Mebane, Moody, Moyer of G., Moyer of P., Polk, Rabun, Selby, Sharpe, Vann, Wellborn, Whitaker, Williams of B., Williams of F., Williams of P., Wyche, Young.

Those who voted in the negative, are, Messrs. Allison, Arrington, Bullock, Cromartie, Edmonson, Gavin, Hogan, Hussey, Kendall, Kerr, Lindsey, McCormick, Martin, Moorehead, Moore of R., Moore of S., Patterson, Reid, Simmons, Staley, Stephens, Tillet, Waugh, Whitehurst, Wilson.

Mr. Hogan, from the committee on the judiciary, to which was referred a bill concerning the courts of pleas and quarter sessions, in the several counties in this State, reported the same with sundry amendments, to wit:

In the first section of the bill, after the word "present," strike out the words "and a majority of the acting justices concurring;" and in the second section, after the word "exceeding," strike out the words "one dollar and fifty cents," and insert the words "two dollars."

Mr. Hogan, from the same committee, to which was referred a bill to amend the law so far as respects executors and administrators, reported the same without amendment; with a recommendation that it be rejected.

Mr. Hogan, from the same committee, to which was referred a bill fixing the punishment for the crime of Bigamy, reported the same without amendment; and recommended that it be passed into a law.

Mr. Hogan, from the same committee, to which was referred a bill to provide for the temporary appointment of registers in certain cases, reported the same with the following amendment, to wit: After the word "appoint," strike out the word "such," and insert the article "A."

Mr. Hogan, from the same committee, to whom was referred a bill to suppress, more effectually, the vice of gaming in this State, reported the same without amendment; with a recommendation that it be rejected. Ordered, on motion of Mr. Wyche, that the bill, together with the report, be laid on the table.

On motion of Mr. Harry,

Resolved, That the Military Committee be instructed to enquire into the expediency of prohibiting persons, who may hereafter enrol themselves in any Volunteer Company, from attaching themselves to any other Volunteer Company, as long as said Company may continue in existence.

Mr. Moore of Stokes, presented a bill, entitled a bill to give further time for perfecting titles to entries of vacant land in the county of Stokes; which was read the first time and passed: Read the second time. Mr. Moore of Rutherford, moved to amend the bill, by extending its provisions to the county of Rutherford; which motion was not agreed to: the question then recurring on the passage of the bill, it was decided in the affirmative. Whereupon, the bill was read the third time, passed, and ordered to be engrossed.

Mr. Long presented a bill, entitled a bill to incorporate the Concord Gold Mining Company; which was read the first, second, and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, announcing that Messrs. M'Rae and Lyon, attend the Senate to conduct the balloting for brigadier general of the 15th brigade, heretofore agreed on, to take place this day. Whereupon, Messrs. Ballew and Young, were appointed to conduct the balloting on the part of the Senate; and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, announcing that Messrs. Carson, Waddell, Dudley, Rogers, and Collins, form their branch of the joint select committee on public buildings.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: The bill authorizing the entering the unsurveyed lands acquired by treaty from the Cherokee Indian, in 1817, and 1819, in the counties of Haywood and Macon; a bill to repeal the second section of an act passed in the year 1831, entitled an act to amend, in part, an act passed in the year 1829, entitled an act to compel the trustees of Moore, Chowan, and Robeson counties, to pay the Jurors in preference to other claims, so far as respects the county of Moore;

a bill regulating Constables in the county of Onslow; and a bill to legitimate John Willoughby of the county of Bertie: In which they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first time and passed. On motion of Mr. Wyche, the first named bill was ordered to lie on the table. The second named bill was read the second and third times, passed, and ordered to be enrolled. The third named bill was read the second time, and resolved that the same shall not pass; and the last named bill was, on motion of Mr. Wyche, ordered to lie on the table.

The Senate then entered upon the orders of the day, and proceeded to consider the bill providing compensation to the Sheriffs of the several counties in this State, for making the returns of the votes given in at the late election for adoption or rejection of the proposed amendments to the Constitution: Whereupon, the said bill was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to amend the laws, so far as respects executors and administrators, was read the second time, and resolved that the same shall not pass—Ayes 8, Noes 55. The ayes and noes being demanded by Mr. Vann,

Those who voted in the affirmative, are, Messrs. Alexander, Cowper of G., Edmonston, Staley, Vann, Waugh, Wellborn, Whitehurst.

Those who voted, in the negative, are, Messrs. Allison, Arrington, Baker, Ballew, Beasley, Brittain, Bryan, Bullock, Cooper of M., Cromartie, Dowd, Edwards, Exum, Fox, Gambill, Gavin, Harrison, Harry, Hill, Hogan, Houlder, Hussey, Joyner, Kendall, Kerr, Lindsey, Little, Long, McCormick, McQueen, Marsteller, Martin, Mebane, Moody, Moorehead, Moore of R., Moore of S., Moye of G., Moye of P., Patterson, Polk, Rabun, Reid, Selby, Sharpe, Simmons, Stephens, Tillet, Whitaker, Williams of B., Williams of F., Williams of P. Wilson, Wyche, Young.

Received from the House of Commons a message, proposing to ballot on to-morrow for four Trustees of the University; which proposition was agreed to, and the House of Commons was informed thereof by message.

Mr. Ballew, from the committee appointed to conduct the balloting for brigadier general of the 15th brigade of North Carolina militia, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

The bill to provide for the temporary appointment of registers in certain cases, was read the second time, and the amendment proposed by the committee on the judiciary, was agreed to. Whereupon, on motion of Mr. Marsteller, the bill was ordered to lie on the table.

The bill concerning the courts of pleas and quarter sessions, in the several counties in this State, was read the second time, and the amendments proposed by the committee, were severally agreed to. The ayes and noes, on the second amendment, being demanded by Mr. Allison, were, Ayes 36, Noes 22.

Those who voted in the affirmative are, Messrs. Alexander, Baker, Beasley, Brittain, Bryan, Bullock, Cooper of M., Cromartie, Dowd, Edwards, Exum, Fox, Gambill, Gavin, Harrison, Harry, Hill, Hogan, Hussey, Joyner, Kendall, Marsteller, Martin, Mebane, Moorehead, Moore of R., Moore of S., Moye of P., Patterson, Selby, Simmons, Waugh, Wellborn, Whitehurst, Wilson, Wyche.

Those who voted in the negative are, Messrs. Allison, Arrington, Cowper of G., Edmonston, Houlder, Kerr, Lindsay, Long, McCormick, Moody, Moye of G., Rabun, Reid, Sharpe, Staley, Stephens, Tillet, Vann, Whitaker, Williams of B., Williams of F., Williams of P.

A motion was made by Mr. Allison, to amend the bill by adding the following proviso, at the end of the 2d section thereof, to wit: "Provided

further, that no more than three of the five shall be entitled to receive pay for the same day ;" and on the question of adoption, it was decided in the negative,—Ayes 22, Noes 37. The ayes and noes being demanded by Mr. Allison,

Those who voted in the affirmative are, Messrs. Allison, Arrington, Brittain, Cooper of M., Cowper of G., Edmonston, Exum, Gambill, Houlder, Kerr, McCormick, Moody, Rabun, Reid, Sharpe, Staley, Stephens, Tillet, Vann, Whitaker, Williams of F., Williams of P.

Those who voted in the negative are, Messrs. Alexander, Baker, Beasley, Bryan, Bullock, Cromartie, Dowd, Edwards, Fox, Gavin, Harrison, Harry, Hill, Hogan, Hussey, Joyner, Kendall, Lindsay, Long, M'Queen, Marsteller, Martin, Mebane, Morehead, Moore of R., Moore of S., Moyer of G., Moyer of P., Patterson, Selby, Simmons, Waugh, Wellborn, Whitehurst, Williams of B., Wilson, Wyche.

Mr. Vann then moved that the bill be indefinitely postponed ; which motion was not agreed to—Ayes 21, Noes 42. The ayes and noes being demanded by Mr. Vann,

Those who voted in the affirmative are, Messrs. Allison, Arrington, Brittain, Dowd, Edwards, Gambill, Gavin, Houlder, Kerr, Lindsay, Moyer of G., Rabun, Sharpe, Staley, Stephens, Tillet, Vann, Whitaker, Williams of B., Williams of F., Williams of P.

Those who voted in the negative are, Messrs. Alexander, Baker, Ballew, Beasley, Bryan, Bullock, Cooper of M., Cowper of G., Cromartie, Edmonston, Exum, Fox, Harrison, Harry, Hill, Hogan, Hussey, Joyner, Kendall, Little, Long, McCormick, M'Queen, Marsteller, Martin, Mebane, Moody, Morehead, Moore of R., Moore of S., Moyer of P., Patterson, Polk, Reid, Selby, Simmons, Waugh, Wellborn, Whitehurst, Wilson, Wyche, Young.

The question then recurring on the passage of the bill, it was decided in the affirmative. Whereupon, the bill was read the third time and passed, and ordered to be engrossed.

The bill fixing the punishment for the crime of Bigamy, was read the second and third times, passed, and ordered to be engrossed.

A message was received from the House of Commons, proposing that another balloting be had immediately for brigadier general of the 15th brigade of North Carolina militia ; which proposition was agreed to. Messrs. Ballew and Young were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. Whereupon, a message was received from that House, stating that Messrs. Benton and Clement, attend the Senate to conduct the balloting on their part.

The bill to divorce Rachel Edwards of Yancy county heretofore laid on the table by a vote of this House, was taken up on motion of Mr. Edmonston, and read the second time : A motion was made by Mr. Edmonston to strike out all of said bill, after the words " a bill," and insert in lieu thereof, a substitute which was agreed to : the question recurring on the passage of the bill as amended, it was decided in the affirmative ; whereupon the bill was read a third time, passed, and ordered to be engrossed.

Received from the House of Commons, a message stating their disagreement to the amendment proposed by the Senate, to the engrossed bill to amend an act entitled an act to establish the Merchants Bank of the town of Newbern : Ordered, on motion of Mr. Wilson, to lie on the table.

Mr. Ballew from the committee appointed to conduct the balloting for a Brigadier general of the 15th brigade, reported that no person in nomination had received a majority of votes : in which report the Senate concurred. On motion of Mr. Wilson, ordered that a message be sent to the House of Commons proposing that another balloting be had immediately for Brigadier general of the 15th brigade of North Carolina militia.

Received from the House of Commons, a message from his Excellency the Governor, communicating to the General Assembly the resignations of sundry justices of the peace, militia officers, and trustees of the University, received since their last adjournment.

☞ The Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 3, 1835.

A message was sent to the House of Commons stating that the Senate has passed the following engrossed bills, to wit: A Bill concerning the courts of pleas and quarter sessions in the several counties in this State; A bill providing compensation to the sheriffs of the several counties in this State for making returns of the votes given in at the late election for adoption, or rejection of the proposed amendments to the Constitution: A bill fixing the punishment for the crime of Bigamy; A bill to incorporate the Concord gold mining company; and a bill for the relief of Rachel Edwards; in which they ask the concurrence of the House of Commons.

On motion of Mr. Joyner, ordered that Mr. Moody have leave of absence from the service of the Senate, from and after to-morrow, until Monday next.

A motion was made by Mr. Marsteller to re-consider the resolution in favor of James Calloway; and on the question will the Senate re-consider said resolution, it was decided in the affirmative: whereupon on motion of Mr. Marsteller, ordered that the resolution be referred to the committee on claims.

On motion of Mr. Hogan,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law directing the manner in which sheriff's bonds in this State, shall be taken.

Mr. Cooper of Martin, presented a bill entitled a bill to amend an act passed in the year 1816, entitled an act to establish an Academy at Williamston in the county of Martin; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Bryan presented a bill entitled a bill to exempt from execution a certain portion of the lands of the citizens of North Carolina, which was read the first time and passed, and on motion of Mr. Bryan, ordered to be printed.

Mr. Wilson gave notice that on to-morrow, he would move that the rules of order and decorum for the government of the Senate, be so amended, that all bills and resolutions shall pass their first reading as a matter of course.

Mr. Cooper of Martin presented a bill to amend an act passed in the year 1830, for the better regulation of the town of Williamston, which was read the first, second and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message stating that they have passed the following engrossed Bills, to wit: A bill to amend an act entitled an act concerning the draining of low lands, passed in the year 1795: in which they ask the concurrence of the Senate: whereupon the said bill was read the first time and passed.

Mr. Martin presented a bill entitled a bill to repeal in part an act for the better regulation of the Fair, held near Laurel Hill in the county of Richmond, passed in the year 1830: which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Wyche, the bill to provide for the payment of instal-

ments on the shares reserved to the State in the capital stock of the bank of the State of North Carolina, heretofore laid on the table by an order of this House, was taken up and considered, and was read the second time.

The first amendment recommended by the committee on Finance being under consideration, before the question was taken thereon, on motion of Mr. Edmonston, ordered that the bill together with the amendments lie on the table.

Received from the House of Commons, a message proposing that another balloting be had immediately for brigadier general of the 15th brigade of North Carolina militia, which proposition was concurred in: Messrs. Patterson and Cowper of Gates, were appointed to conduct the balloting on the part of the Senate: and the House of Commons informed thereof by message: whereupon a message was received from that House stating that Messrs. Swanner and Brown attend the Senate to superintend the balloting on their part.

Received also from the House of Commons a message proposing that the report of Adjutant General, therewith transmitted, be printed; which proposition was concurred in, and the House of Commons informed thereof by message.

Received from the House of Commons a message announcing that Messrs. Irion and Jones attend the Senate to conduct the balloting for four trustees of the University, and stating that Frederick J. Hill, Matthias E. Manly, William B. Meares, James W. Bryan, and the Rev. William M. Green are in nomination for the appointment: whereupon a message was sent to that House, announcing that Messrs. Marsteller and Bullock are appointed to superintend the balloting on the part of the Senate.

Mr. Marsteller, from the committee appointed to superintend the balloting for four trustees of the University, reported that Frederick J. Hill, Matthias E. Manly, William B. Meares, and James W. Bryan having each received a majority of votes, are duly elected, in which report the Senate concurred.

Mr. Cowper from the committee appointed to conduct the balloting for a brigadier general of the 15th brigade, reported that Solomon Loudermilk having received a majority of votes, is duly elected: in which report the Senate concurred.

On motion of Mr. Marsteller, the bill to provide for the appointment of registers in certain cases, heretofore laid on the table by a vote of this House, was taken up, read the third time, passed, and ordered to be engrossed.

Received from the House of Commons, the resignation of James Rainey a justice of the peace for Caswell county, endorsed in that House "read and accepted," and which was read and accepted by the Senate.

The Senate then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 4, 1835.

A message was sent to the House of Commons stating that the Senate has passed the following engrossed bills, to wit: A bill to provide for the temporary appointment of registers in certain cases: A bill to repeal in part an act for the better regulation of the Fair, held near Laurel Hill in the county of Richmond passed in the year 1830: A bill to amend an act passed in the year 1816, entitled an act to establish an Academy at Wil-

Williamston in the county of Martin; and, a bill to amend an act passed in the year 1830, for the better regulation of the town of Williamston: In which they ask the concurrence of the House of Commons.

On motion of Mr. Wellborn,

Resolved, That the committee on the Judiciary be requested to examine into the expediency of reducing the fees of the county Solicitors in all cases, where the party indicted shall submit, and that they report by bill or otherwise.

Mr. Wilson, in pursuance of the notice given on yesterday, submitted the following resolution, as an amendment to the rules of order and decorum for the government of the Senate, to wit:

Resolved, that it is expedient to amend the rules of order so as to provide that in all cases all bills and resolutions introduced, shall pass as a matter of course, their first reading.

A motion was made by Mr. Wyche to amend the resolution by adding the following at the end thereof, to wit: "but a motion to reject or postpone indefinitely shall be in order and may be debated: which was not agreed to: whereupon the Resolution was read and adopted.

Mr. Rabun presented a bill entitled a bill to amend an act passed in 1820, chapter 1071, entitled an act for repairing and improving the road leading from the place known by the name of Old Fort in Burke county over the Swannanoah Gap, to Ashville in Buncombe county, and thence to the point of intersection with the road leading through Haywood county, to the southern boundary line of this State;" which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Marsteller, ordered that a message be sent to the House of Commons proposing to ballot immediately for colonel of cavalry attached to the 3rd brigade of North Carolina militia, and stating that Evan Larkins is in nomination for the appointment.

The Senate then entered upon the orders of the day, and proceeded to consider the engrossed bill to amend an act entitled an act concerning the draining of low lands, passed in the year 1795; which was read the second and third times, passed, and ordered to be enrolled.

The bill more effectually to suppress the vice of gaming in this State, was read the second time. A motion was made by Mr. Wilson to amend the bill by striking out in the 21st and 22d lines of the 1st section thereof, the words "and received not less than ten, nor more than thirty nine stripes, on his bare back:" and inserting in lieu thereof the words "imprisoned at the discretion of the court:" which was not agreed to; ayes 29 noes 32. The ayes and noes being demanded by Mr. Cooper of Martin,

Those who voted in the affirmative, are, Messrs. Beasley, Brittain, Bullock, Cooper of M., Cowper of G., Dowd, Gambill, Harry, Hussey, Joyner, Kerr, Lindsev. Little, McCormick, McQueen, Marsteller, Moorehead, Moye of G., Patterson, Reid, Selby, Sharpe, Simmons, Tillet, Vann, Whitehurst, Wilson, Wyche, Young.

Those who voted in the negative, are, Messrs. Alexander, Allison, Baker, Ballew, Bryan, Cromartie, Edmonston, Edwards, Exum, Fox, Gavin, Harrison, Hill, Hogan, Houlder, Kendall, Long, Martin, Mebane, Moore of R., Moore of S., Moye of P., Polk, Rabun, Staley, Stephens, Waugh, Wellborn, Whitaker, Williams of B., Williams of F., Williams of P.

A further motion was made by Mr. Wilson to amend the bill, by inserting in the 4th line of the 1st section after the word "tables" the words whereon any money is won or lost, or bets made; which was agreed to: A further motion was made to amend the bill, by Mr. Wilson, by inserting in the 5th line of the first section, after the word "Keno" the words "Billiard and backgammon tables, and all games at cards, where money is lost or

won : " which was not not agreed to : ayes 25 noes 36 : the ayes and noes being demanded by Mr. Cooper of M.

Those who voted in the affirmative, are, Messrs. Alexander, Brittain, Bullock, Cooper of M., Cowper of G., Cromartie, Dowd, Hussey, Harry, Kerr, Lindsay, Little, McCormick, Moorehead, Moore of S., Reid, Selby, Simmons, Tillet, Vann, Wellborn, Whitehurst, Williams of F., Wilson, Young.

Those who voted in the negative, are, Messrs. Allison, Baker, Ballew, Beasley, Bryan, Edmonson, Edwards, Exum, Fox, Gambill, Gavin, Harrison, Hill, Hogan, Houlder, Joyner, Kendall, Long, McQueen, Marsteller, Martin, Mebane, Moore of R., Moye of G., Moye of P., Patterson, Polk, Rabun, Sharpe, Staley, Stephens, Waugh, Whitaker, Williams of B., Williams of P., Wyche.

A motion was made by Mr. Hogan to amend the bill by striking out in the 21st and 22nd lines of the 1st section, the following words to wit: "more than thirty-nine stripes on his bare back," and insert in lieu thereof the words "may receive not more than thirty-nine lashes on his bare back, at the discretion of the court," which was not agreed to. A motion was made by Mr. McQueen to amend the bill, by inserting after the word "always," in the 23rd line of the 1st section, the following words, to wit: "that if any Female shall be found in the possession of any table prohibited by this act, upon conviction, the punishment of whipping shall be dispensed with, and she shall be fined at the discretion of the court, not exceeding two thousand dollars;" which was not agreed to: Mr. Wilson moved the following amendments to the bill, to wit: at the end of the 2nd section, insert the following words, to wit: "be recovered by any common informer by an action of assumpsit;" in the 7th and 8th lines of the 3rd section, alter the word "offence," insert the words, "be indicted in the county or superior court, and upon conviction shall or may be fined," strike out the last clause of third section; which amendments were severally agreed to.

A message was received from the House of Commons, pending the discussion on the above amendments, proposing to ballot immediately for councillors of State; which proposition was concurred in; whereupon a message was sent to that House stating that Messrs. Kerr and Beasley attend that House to conduct the balloting on the part of the Senate, and stating that Messrs. Henry Skinner of Perquimons, Daniel Turner of Warren, George Williamson of Caswell, Peter H. Dilliard of Rockingham, Louis D. Henry of Fayetteville, William S. Ashe of New-Hanover, and Allen Rogers Sen. of Wake, are in nomination for the appointment.

Received also from the House of Commons, a message stating their concurrence in the proposition to ballot immediately for colonel of cavalry attached to the 3rd brigade, and that Messrs. Forman and Hope, attend the Senate to conduct the balloting on their part: whereupon a message was sent to that House announcing that Messrs. Marsteller and Simmons are appointed superintendents of the balloting on the part of the Senate.

Pending the discussion on the passage of the bill more effectually to suppress the vice of gaming in this State, a motion was made that the Senate adjourn until to-morrow morning ten o'clock, but before the question was taken thereon,

Mr. Kerr from the committee appointed to conduct the balloting for councillors of State, with leave of the House, reported that Henry Skinner, Daniel Turner, George Williamson, Peter H. Dilliard, Louis D. Henry, Wm. S. Ashe and Allen Rogers sen. having each received a majority of votes, are duly elected; in which report the Senate concurred.

Mr. Marsteller from the committee appointed to conduct the balloting for colonel of cavalry of the 3rd brigade of North Carolina militia, also with leave, reported that Evan Larkins had received a majority of votes and is duly elected: in which report the Senate concurred.

The Senate then adjourned until to-morrow morning 10 o'clock.

SATURDAY, DECEMBER 5th, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill to give further time to perfect titles to entries of vacant lands in the county of Stokes; and a bill to amend an act passed in 1820 chapter 1071, entitled an act for repairing and improving the road leading from the place known by the name of old fort in Burke county, over the Swannano Gap to Ashville in Buncombe county, and thence to the point of intersection with the road leading through Haywood county, to the southern boundary line of this State: In which they ask the concurrence of that House.

Mr. Williams of Beaufort, presented the memorial of Tannehill and Lavender in behalf of themselves and other citizens of the county of Beaufort, praying the legislature to grant them the exclusive privilege of navigating the Tar river, with steam boats, in consideration of their removing the obstructions in the navigation of said river. Ordered, on motion of Mr. Williams of B., to be referred to the committee on Internal Improvement.

Mr. Moyer of Greene, from the committee on Claims, to which was referred the resolution in favor of James Calloway, made an unfavorable report thereon, recommending that it is inexpedient to grant the prayer of the petitioner: whereupon the resolution was read the first time, and passed, read the second time, and on motion of Mr. McQueen, ordered that the further consideration thereof, be postponed until the 4th day of March next.

Received from the House of Commons, a message proposing to ballot for a trustee of the University, to fill the vacancy occasioned by the death of the Rev. Joseph Caldwell, and stating that the Rev. Wm. M. Greene, is in nomination for the appointment; which proposition was concurred in: whereupon a message was sent to that House stating that Messrs. Hill and McQueen attend as superintendents of the balloting, and that Samuel F. Patterson is added to the nomination: thereupon a message was received from the House of Commons announcing that Messrs. Dodson and Speller attend the Senate to conduct the balloting on their part.

Mr. Polk presented a bill entitled a bill to repeal in part an act passed in the year 1833, entitled an act to re-charter the bank of Cape Fear; and Mr. Harry presented a bill entitled a bill to incorporate the Cincinnati and Charleston Rail Road Company; which bills were severally read the first time and passed; the last named bill was on motion of Mr. Fox, ordered to lie on the table, but was subsequently taken up, and on motion of Mr. Wyche, ordered that a message be sent to the House of Commons proposing that said bill be referred to a joint select committee. Mr. Moore of R. moved that the bill be printed; which motion was not agreed to.

Mr. Wilson presented a bill entitled a bill to authorize and empower David T. Sawyer to lay off a road, and for other purposes; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to alter the name of John Pettis Johnson of Warren county, and to legitimate him; in which they ask the concurrence of the Senate; whereupon the said bill was read the first, second, and third times, passed, and ordered to be enrolled.

The Senate then entered upon the orders of the day, and proceeded to consider the bill to suppress more effectually the vice of gaming in this State; the question still pending on the second reading of the bill. Mr. Wilson moved to amend the bill by striking out the 4th and 5th sections of the bill, and insert the following, to stand as the 4th, 5th and 6th sections thereof, to wit:

And be it further enacted, that it shall be the duty of any justice of the peace, when he shall have information that any person has in his or her possession any of the tables or instruments, by means of which any of the games enumerated in the first section of this act, are or may be played, or upon which money or property may be won or lost, or bets made, to issue his warrant under his hand and seal, to some lawful officer, commanding said officer to arrest such person having in his or her possession such table or instruments, and to bring him or her before him or some other justice of the peace; and if upon examination before such justice of the peace of such charge, that such person had in his or her possession any such table or instrument as aforesaid, it shall be the duty of said justice of the peace to bind over such person, with good security, to the next county or superior court of his county, or commit such person to jail, and it shall also be the said justice's duty to bind over such witnesses as he may think necessary, to the next county or superior court, to testify against such individual as may be possessed of any of the aforesaid tables or instruments, and whom he may have bound over to court.

And be it further enacted, that at the court to which such warrant, or bond, or recognizance may be returned, it shall be the duty of the solicitor to prefer a bill of indictment against such person so bound over, and the charge in the bill of indictment shall be, that the individual indicted had in his or her possession the particular table or instrument found in his or her possession; and upon the trial, proof that the defendant was found in the possession of the table or instrument charged in the bill of indictment, shall be evidence of guilt; and upon conviction, such offender shall be fined not exceeding two thousand dollars, and imprisoned not exceeding six months.

And be it further enacted, That all Backgammon boxes, and Billiard tables, and all games of Backgammon, and Billiards, and all persons having in their possession a Backgammon-box or boxes, or Billiard table or tables, shall be subject to the same rules and regulations, pains and penalties as are prescribed for the other tables and games, enumerated in this bill: *Provided*, nevertheless, that so much of the provisions of the first section of this act, as inflicts the punishment of whipping, shall not apply to offences under this section.

Mr. Wyche moved to amend the amendment, by striking out in the last section thereof, the words "backgammon boxes and," and the words "backgammon and," whenever they occur in said section; which motion was agreed to. Mr. Marsteller then called for a division of the question; the question thereupon was taken on striking out the 4th and 5th sections of the bill, and on the question the Senate refused to strike out, ayes 28, noes 32. The ayes and noes being demanded by Mr. Cooper of M.

Those who voted in the affirmative are, Messrs Brittain, Bullock, Cooper of M., Cowper of G., Dowd, Gambill, Harry, Hussey, Joyner, Kerr, Lindsay, McCormick, McQueen, Marsteller, Mebane, Moorehead, Reid, Selby, Sharpe, Simmons, Tillet, Vann, Whitehurst, Williams of F., Williams of P., Wilson, Wyche, Young.

Those who voted in the negative are, Messrs. Alexander, Allison, Baker, Ballew, Beasley, Bryan, Edmonston, Edwards, Exum, Fox, Gavin, Harrison, Hill, Hogan, Houlder, Kendall, Little, Long, Martin, Moore of R., Moore of S., Move of G., Moyer of P., Paterson, Polk, Rabun, Staley, Stephens, Waugh, Wellborn, Whitaker, Williams of B.,

A motion was made by Mr. Little, to amend the bill by striking out in the last line of the first section thereof, but one, the words "billiard and," which was agreed to. Ayes 34, noes 26. The ayes and noes being demanded by Mr. Marsteller,

Those who voted in the affirmative are, Messrs. Alexander, Allison, Baker, Brittain, Bullock, Cooper of M., Cowper of G., Dowd, Edmonston, Exum, Gambill, Harry, Houlder

Hussey, Kerr, Lindsay, Little, McCormick, Martin, Moorehead, Patterson Reid, Simmons, Stephens, Tillet, Vann, Waugh, Wellborn, Whitehurst, Williams of F., Williams of P., Wilson, Wyche, Young.

Those who voted in the affirmative are, Messrs. Ballew, Beasley, Bryan, Edwards, Fox, Gavin, Harrison, Hill, Hogan, Joyner, Kendall, Long, McQueen, Marsteller, Mebane, Moore of R. Moore of S., Moye of G., Moye of P., Polk, Rabun, Selby, Sharpe, Staley, Whitaker, Williams of B.

The question then recurring on the passage of the bill, it was decided in the affirmative, ayes 40, noes 20: The ayes and noes being demanded by Mr. Alexander.

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Baker, Ballew, Beasley, Bryan, Cowper of G., Dowd, Edmonston, Edwards, Exum, Fox, Gavin, Harrison, Harry, Hill, Hogan, Houlder, Kendall, Kerr, Little, Long, Martin, Moore of R., Moore of S., Moye of G., Moye of P., Patterson, Polk, Selby, Sharpe, Staley, Stephens, Vann, Waugh, Wellborn, Whitaker, Williams of B., Williams of F., Williams of P.

Those who voted in the negative, are, Messrs. Brittain, Bullock, Cooper of M., Gambill, Hussey, Joyner, Lindsey, McCormick, McQueen, Marsteller, Mebane, Moorehead, Rabun, Reid, Simmons, Tillet, Whitehurst, Wilson, Wyche, Young.

Mr. Hill from the committee appointed to conduct the balloting for a trustee of the University, reported that Samuel F. Patterson having received a majority of votes, is duly elected; in which report the Senate concurred.

The Senate then adjourned until to-morrow morning, 10 o'clock.

MONDAY, DECEMBER 7th, 1835.

On motion of Mr. Edwards, ordered that Mr. Bryan have leave of absence from the service of the Senate, for this day and to-morrow.

On motion of Mr. Cowper of G., Resolved, that Friday Evening next be set apart for the purpose of recommending justices of the Peace, and militia officers in the different counties within this State, and that the House of Commons be informed thereof by message.

Mr. Brittain presented the following Resolution;

Resolved, That the Joint Select Committee on Military affairs, take into consideration the propriety of repealing the third section of the militia law, passed in the year 1832, requiring Captains of Infantry Companies, not to muster but twice in each year; and to report by bill or otherwise.

And on the question of adoption, it was decided in the negative.

Mr. Hill presented a resolution in favor of William T. Bain; which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Rabun presented a resolution in favor of Zachariah Candler; which was read the first time and passed, and on motion of Mr. Rabun, ordered that it be referred to the committee on claims.

Mr. Cowper of G., presented a bill, entitled a bill to abolish the offices of county trustee and treasurer of public buildings in the county of Gates, and for other purposes; which was read the first time and passed. Read the second time. Mr. Bullock moved that the bill be amended, by extending its provisions to the county of Chowan; and Mr. Fox moved further to amend the same, by extending its provisions to the county of Mecklenburg; which amendments were severally concurred in. The question then recurring on the passage of the bill, it was decided in the affirmative as amended. Whereupon, the said bill was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing that a communication of the Treasurer, with the accompanying Bank statements therewith transmitted, be printed; which proposition was concurred in, and the House of Commons informed thereof by message.

Received also from the House of Commons a message, stating their concurrence in the proposition of the Senate, to refer the bill to incorporate the Cincinnati and Charleston Rail Road Company, to a select committee of three, on the part of each House; and announcing that Messrs. Carson, Cansler, and Dudley, form their branch of the committee. Whereupon, the Speaker announced that Messrs. Harry. Wyche, and Moore of Rutherford, form the committee on the part of the Senate; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to prevent the felling of timber, or otherwise obstructing the run of Ellis' Creek, in Bladen county; and a bill to divorce Aquilla S. Bennet, of the county of Pitt: In which they ask the concurrence of the Senate. Whereupon, the first named bill was read the first time and passed, and on motion of Mr. Hill, ordered to lie on the table; the second named bill was read the first, second and third times, passed, and ordered to be enrolled.

The bill to authorize and empower David T. Sawver to lay off a road, and for other purposes, was read the third time and passed, and ordered to be enrolled.

The Senate then entered upon the orders of the day, and proceeded to consider the bill to repeal, in part, an act passed in the year 1833, entitled an act to re-charter the Bank of Cape Fear. The bill was thereupon read the second time. Mr. Wilson moved the following amendment, as an additional section to the bill, to wit: "And be it further enacted, that said Bank shall not issue bank notes under the denomination of five dollars;" which amendment was not agreed to; the question then recurring on the passage of the bill, it was decided in the negative.

The bill more effectually to suppress the vice of gaming in this State, was read the third time, and on motion of Mr. Edwards, ordered to lie on the table.

Mr. Wyche, from the select committee, to which was referred the bill to incorporate the Cincinnati and Charleston Rail Road Company, reported the same without amendment; with a recommendation that it be passed into a law. The rule, requiring the bill to be read, paragraph by paragraph, was, on motion of Mr. Wyche, dispensed with: two-thirds of the Senate voting in favor of the motion. Whereupon, the bill was read the second time and passed.

Mr. Joyner, from the committee on Internal Improvement, to which was referred the engrossed bill authorizing the entering the unsurveyed lands acquired by treaty from the Cherokee Indians, A. D. 1817, and 1819, in the counties of Haywood and Macon, reported the same without amendment, with a recommendation that it be passed into a law. Whereupon, the bill was read the second and third times, passed, and ordered to be enrolled.

The bill to amend an act passed in the year 1822, entitled an act for the division of Rowan county, heretofore laid on the table, by an order of that House, was taken up, on motion of Mr. Hogan. Whereupon, the bill was read the second time. A motion was made by Mr. Polk, to amend the bill, by adding the following sections, to wit: "Be it further enacted, that if the Wardens of the poor in Rowan county, wish and desire to sell their poor-houses, and the lands on which they are situated, the county of Da-

vidson shall purchase and pay for the same, at a fair valuation, to be fixed by two disinterested men,—one to be chosen by the wardens of Rowan county, and the other by the county court of Davidson, neither of whom shall live in Rowan and Davidson counties.”

“Be it further enacted, That the paupers in the poor Houses of Rowan county, be divided between the counties of Rowan and Davidson, in the following manner: All the paupers in said poor houses, who originally belonged as citizens, on the Salisbury side of the Yadkin river, shall be taken into Rowan county; and all of said paupers, who belonged as aforesaid, on the Lexington side of said Yadkin river, shall be taken into Davidson county and supported by said county;” which amendment was concurred in. The bill was then passed as amended, and read the third time and passed, and ordered to be engrossed.

On motion of Mr. Waugh, the resolutions respecting the public domain, heretofore laid on the table, by an order of the Senate, were taken up and considered.

Mr. Waugh submitted the following amendment, as a substitute for the second resolution, to wit:

“That all the public revenues are collected from the people directly or indirectly, and ought never to exceed the amount of expenditures necessary to an economical administration of the Government; and therefore, whenever the proceeds of the sales of the territory or public lands of the United States, are not required (in aid of other revenues) for the legitimate purposes of the National Government, we believe it the duty of Congress to devise and recommend some safe method for distribution, among all the States, any surplus proceeds of the public lands, which may, from time to time, remain in the Treasury of the United States, after defraying its expenditures.”

Mr. Wilson called for a division of the question: thereupon, the question was taken on striking out the first and second sections, and decided in the affirmative.

A motion was then made to adjourn, which was not agreed to—Ayes 21, Noes 36. The ayes and noes being demanded by Mr. Moyer of G.

Those who voted in the affirmative are, Messrs. Alexander, Baker, Ballew, Beasley, Bullock, Edwards, Harrison, Harry, Hill, Joyner, Little, Long, McCormick, Martin, Morehead, Moore of R., Polk, Selby, Wellborn, Williams of B., Wilson.

Those who voted in the negative are, Messrs. Allison, Britain, Cooper of M., Cowper of G., Dowd, Edmonston, Exum, Fox, Gambill, Gavin, Hogan, Houlder, Hussey, Kendall, Kerr, Lindsay, Marsteller, Mebane, Moore of S., Moyer of G., Moyer of P., Patterson, Rabun, Reid, Sharpe, Simmons, Staley, Stephens, Tillet, Vann, Waugh, Whitaker, Williams of F., Williams of P., Wyche, Young.

A motion was made by Mr. Moyer of Pitt, to lay the resolutions, with the amendments, on the table; which was not agreed to.

Mr. Polk moved that the further consideration of the subject be postponed until to-morrow, and that the resolutions be the order of the day for that day. Mr. Hogan moved that the motion be amended, by striking out the word “to-morrow,” and inserting the words, “the day after to-morrow.” which motion was not agreed to. The question then recurring on Mr. Polk’s motion, it was agreed to. Ordered, on motion of Mr. Edwards, that the resolutions, together with the amendment, be printed.

The engrossed bill to abolish the office of county trustee, in the county of Moore, heretofore laid on the table, by an order of the Senate, was taken up. On motion of Mr. Dowd, read the third time, passed, and ordered to be enrolled.

The engrossed bill to legitimate John Willoughby, and Ann Willoughby, of the county of Bertie, heretofore laid on the table, by an order of the Senate, was taken up. On motion of Mr. Wyche, read the second and third times, passed, and ordered to be enrolled.

The bill to alter the name of Hardy Lewis, and Brittain Lewis, and to legitimate them, heretofore laid on the table, by an order of the Senate, was taken up. On motion of Mr. Dowd, read the second time. Mr. Dowd moved to amend the bill, by striking out all thereof, except the words "a bill," and inserting a substitute; which amendment was agreed to, and the bill passed as amended—Ayes 40, Noes 8. The ayes and noes being demanded by Mr. Reid,

Those who voted in the affirmative are, Messrs. Alexander, Allison, Baker, Ballew, Beasley, Bullock, Cooper of M., Cowper of G., Dowd, Edmonson, Edwards, Exum, Fox, Gambill, Harrison, Harry, Houlder, Hussey, Kerr, Little, McCormick, Martin, Morehead, Moore of S., Moye of G., Moe of P., Patterson, Polk, Rabun, Selby, Sharpe, Simmons, Staley, Tillet, Vann, Wellborn, Whitaker, Williams of B., Williams of F., Young.

Those who voted in the negative are, Messrs. Hill, Hogan, Kendall, Long, Marsteller, Reid, Stephens, Waugh

The bill was then read the third time, passed, and ordered to be engrossed.

Mr. Hill presented the petition of James S. Green, of the county of New Hanover, praying the Legislature to emancipate Jim, a slave, commonly called Jim Hostler. Ordered, on motion of Mr. Hill, to be referred to the committee on propositions and grievances.

Mr. Exum presented the petition of William Jackson, of the county of Wayne, heretofore convicted of the crime of petit larceny, praying to be restored to credit: Ordered, on motion of Mr. Exum, to be referred to the committee on propositions and grievances.

The Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 8, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions, to wit: A bill to abolish the offices of county trustee and treasurer of public buildings, in the counties of Gates, Chowan and Mecklenburg; a bill to alter the names of Hardy Lewis, and Brittain Lewis, of the county of Moore, and to legitimate them; a bill to amend an act, passed in the year 1822, entitled an act for the division of Rowan county; a bill to authorize and empower David T. Sawyer to lay off a road, and for other purposes; and a resolution in favor of William T. Bain; in which, they ask the concurrence of that House.

Mr. Marsteller presented the petition of Margaret P. Spier, of New Hanover county, praying to be divorced from her husband Alexander Spier. Ordered, on motion of Mr. Marsteller, to be referred to the committee on propositions and grievances.

Mr. Moye of G., from the committee on claims, to which was referred the petition of Leonard Buchanan, praying the Legislature to refund to him the sum of five dollars, which he paid the State for a grant of fifty acres of land, covered by a former grant, made a report thereon favorable to the prayer of the petitioner, accompanied by a resolution in his favor: Whereupon, the resolution was read the first and second times and passed. The resolution was then read the third time and passed—Ayes 28, Noes 25. The ayes and noes being demanded by Mr. Morehead,

Those who voted in the affirmative are, Messrs. Alexander, Baker, Ballew, Brittain, Cooper of M., Edmonston, Fox, Gambill, Gavin, Hill, Hussey, Joyner, McCormick, Marsteller, Martin, Moore of R., Patterson, Polk, Rabun, Selby, Simmons, Tillet, Vann, Waugh, Williams of B., Williams of F., Williams of P., Young.

Those who voted in the negative are, Messrs. Allison, Beasley, Cowper of G., Exum

Harrison, Harry, Hogan, Houlder, Kendall, Kerr, Lindsay, Little, Long, Morehead, Moore of S., Moyer of G., Moyer of P., Reid, Sharpe, Stephens, Wellborn, Whitaker, Wilson, Wyche.

Ordered that said resolution be engrossed.

Mr. Moyer of Greene, from the same committee to which was referred the petition of James McDonald, in behalf of himself and the heirs of Findlay McDonald praying the legislature for a grant of land, as a compensation for the revolutionary services of the said Findlay McDonald, made an unfavorable report thereon, and asked to be discharged from the further consideration of the subject; which report was concurred in, and the committee discharged accordingly.

On motion of Mr. Wellborn,

Resolved, that the committee on the Judiciary be instructed to examine the law to punish vagrants, and see what amendments are necessary, so as to put said act in full force, with leave to report by bill or otherwise.

Mr. Cowper of G. presented a bill entitled a bill to alter the name of Quinton Robertson of the county of Gates, and to legitimate him: which was read the first time, and passed, and on motion of Mr. Cowper of Gates, ordered to be referred to the committee on the Judiciary.

Mr. Joyner presented a bill entitled a bill to authorize the trustees of Williams church in the county of Martin, to hold and possess one acre of land, on which the said church is situated: and, Mr. Staley presented a bill entitled a bill making compensation to Tales Jurors in the county of Randolph; which bills were severally read the first, second, and third times, passed and ordered to be engrossed.

Received from the House of Commons a message stating that the message of his Excellency the Governor, therewith transmitted, with the certificate and proclamation, have been spread at large, upon the Journals, of that House, and requesting that the same may be spread upon the Journal of the Senate: The request in said message contained, was assented to, and the House of Commons was informed thereof by message.

Received also from the House of Commons, a message proposing that the message of his Excellency the Governor, and the report of the Board for Internal Improvement therewith transmitted, be printed; which proposition was concurred in, and the House of commons informed thereof by message.

Received also from the House of Commons, a message stating that they have passed the following bill, and resolution, to wit: A bill to incorporate the North Carolina Rail Road Company, and a Resolution in favor of Neil McAlpin, in which they ask the concurrence of the Senate: Whereupon the bill was read the first time, and passed, and the resolution was read the first, second, and third times, passed, and ordered to be enrolled.

Received also, from the House of Commons, a message stating that they have passed the engrossed resolutions relating to the Public Lands; in which they ask the concurrence of the Senate; whereupon the Resolutions were read the first time and passed; and on motion Mr. Mebane, ordered to lie on the table.

On motion of Mr. Wyche, The bill to incorporate the Cincinnati and Charleston Rail Road Company, was ordered to lie on the table.

On motion of Mr. Little,

Resolved, that a message be sent to the House of Commons proposing to raise a joint select committee consisting of three Members on the part of each House, to enquire into, and report what laws are necessary to be enacted at the present Legislature, in consequence of the ratification of the amendments to our Constitution.

The following are the documents, ordered by the Senate, in accordance with a request of the House of Commons, to be spread upon the Journals, to wit:

MESSAGE.

To the General Assembly of the State of North Carolina.

I have the honor to communicate herewith a certificate from the Secretary of State, and Public Treasurer exhibiting statements of the votes given in the several counties of this State, for the ratification and rejection of the amendments to the Constitution. I also transmit a copy of a Proclamation, which has been issued from this Department, in pursuance of an Ordinance of the Convention, announcing to the People of this State, that the amendments to the Constitution have been duly ratified, and will be in force and effect from and after the first day of January next.

Executive Department, December 4, 1835.

DAVID L. SWAIN.

Certificate: The following statements of the votes given by the several counties in this State, in favor of the ratification of the amended Constitution, and for the rejection thereof, were taken from the official statements made by the Sheriffs of the respective counties, as received by the Governor from the said Sheriffs, and opened and compared by him, in our presence. Given under our hands the 3rd day of December 1835.

		WM HILL, Sec. of State.	
		S. F. PATTERSON, Public Treasurer.	
	Ratification.	Rejection	
			Ratification. Rejection.
Anson	815	44	Lincoln 1887 42
Ashe	466	88	Lenoir 54 320
Brunswick		466	Moore 110 370
Buncombe	1322	22	Macon 502 19
Burke	1359	1	Montgomery 538 103
Beaufort	90	639	Mecklenburgh 1097 67
Bladen	6	561	Martin 14 795
Bertie	96	315	New-Hanover 54 365
Craven	131	270	Nash 8 757
Carteret	32	382	Northampton 12 286
Currituck	22	115	Onslow 97 357
Camden	61	353	Orange 1031 246
Caswell	466	162	Person 181 287
Chowan	7	322	Pasquotank 7 442
Chatham	556	200	Pitt 32 710
Cumberland	331	439	Perquimons 10 431
Columbus	3	391	Rowan 1570 24
Cabarrus	598	46	Randolph 426 163
Duplin	56	532	Rockingham 612 68
Davidson	1034	33	Robeson 86 458
Edgecombe	29	1324	Richmond 263 43
Franklin	85	617	Rutherford 1557 2
Guilford	971	237	Sampson 143 463
Gates	12	502	Surry 1751 4
Granville	433	308	Stokes 1061 71
Greene	9	423	Tyrrell 1 459
Halifax	239	441	Washington 14 409
Hertford	7	516	Wilkes 1757 8
Hyde	2	431	Wake 243 1124
Haywood	484	8	Warren 46 580
Iredell	1194	18	Wayne 28 966
Jones	22	239	Yaney 564 13
Johnson	73	776	
			26 771 21,606

Majority for Ratification

5,165

PROCLAMATION.

By the Governor of the State of North Carolina,

The Convention which met in the City of Raleigh, on the 4th day of June last, having adopted certain amendments to the Constitution of the State, and having by an Ordinance directed them to be submitted by the Governor to the People, for ratification or rejection, and the said Convention having directed returns of the Votes, to be made to the Governor, to be by him opened in the presence of the Secretary of State, and Public Treasurer; and that in case a majority of the votes given should be in favor of the ratification of the said amend-

ments, the same should be forthwith made known by Proclamation of the Governor, and the said amendments having been so submitted to the People, and returns having been made, and opened, and the result ascertained according to the said Ordinance;

Now therefore, I DAVID L. SWAIN, Governor of the State of North Carolina, do hereby declare, and make known to the People of the State that a majority of all the votes so returned was in favor of the ratification of the said amendments, which said amendments so ratified, are become part of the Constitution of the State, and will be in full force and effect from and after the first day of January 1836.

In testimony whereof, I have caused the Great Seal of the State, to be hereunto affixed, and signed the same with my hand.

Done at the City of Raleigh, this 3rd day of December, A. D. 1835, and of the Independence of the said State the 60th,
DAVID L. SWAIN.

By the Governor,

WILLIAM T. COLEMAN, Private Secretary.

The Senate then entered upon the orders of the day, and proceeded to consider the Resolutions respecting the public domain, which by order of the Senate, were made the special order of the day for this day: the question still pending on Mr. Waugh's amendment to the said resolutions: whereupon the said amendment was concurred in. Mr. Reid moved that the resolutions as amended be indefinitely postponed; which motion was not agreed to; ayes 3, noes 54. The ayes and noes being demanded by Mr. Reid,

Those who voted in the affirmative, are, Messrs. Hill, Moore of S., Reid.

Those who voted in the negative, are, Messrs. Alexander, Allison, Baker, Ballew, Beasley, Britain, Bullock, Cooper of M., Cowper, of S., Dowd, Edmonston Edwards, Exum, Fox, Gambill, Gavin Harrison, Hogan, Houlder, Hussey, Joyner, Kendall, Kerr, Lindsey, Little, Long, McCormick, Marsteller, Martin, Mebane, Moorehead, Moore of R., Moye of G., Moye of P., Patterson-Polk, Rabun, Selby, Sharpe, Simmons, Staley, Stephens, Tillet, Yann. Waugh, Wellborn, Whitaker, Whitehurst, Williams of B., Williams of F., Williams of P., Wilson, Wyche, Young.

Before the question was taken on the second reading of the resolutions respecting the public domain, the Senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, DECEMBER 9, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions, to wit: A bill to authorize the trustees of Williams' Church, in the county of Martin, and their successors in office, to hold and possess one acre of land, on which the said church is situated; a bill making compensation to tales jurors in the county of Randolph; and a resolution in favor of Leonard Buchanan; in which they ask the concurrence of that House.

Mr. Moye of Green, from the committee on claims, to which was referred a resolution in favor of Zachariah Candler, of Buncombe county, reported the same without amendment, with a recommendation that it be adopted: Whereupon, the said resolution was read the second and third times, passed, and ordered to be engrossed.

Mr. Wyche, from the committee on Finance, reported that, in compliance with the acts of the General Assembly, passed in 1827, they have examined into the state of the Treasury Department, and find that all the requisites of said act have been duly attended to by the Public Treasurer. They further report, that they have burnt Treasury notes to the amount of three thousand one hundred dollars, and twenty cents.

Whereupon, on motion of Mr. Wyche, a message was sent to the House of Commons, with which was transmitted said report, proposing to ballot immediately for Public Treasurer; and stating that Samuel F. Patterson is in nomination for the appointment.

Mr. Sharpe presented a bill, entitled a bill to amend the revenue laws; which was read the third time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill to incorporate the Deep River Gold Mining Company, with the following amendments, to wit: On the third page, after the word "politic," insert the amendment marked "A," add to the bill the amendment marked "B;" in which they ask the concurrence of the Senate. Whereupon, said amendments were severally concurred in, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating their concurrence in the proposition of the Senate, to raise a joint select committee of three members on the part of each House, to enquire into, and report, what laws are necessary to be enacted, at the present session, in consequence of the ratification of the amendments to the Constitution; and stating that Messrs. Graham, Hoke and Williams, form their branch of the committee. Whereupon, Messrs. Bryan, Wyche, and Little, were appointed to form said committee on the part of the Senate; and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating the concurrence of that House in the proposition of the Senate, that Friday evening next be set apart for the appointment of justices of the peace, and militia officers.

The bill to incorporate the North Carolina Rail Road Company, was read the second time. Mr. Marsteller moved to amend the bill, by striking out the whole thereof, after the words "A Bill," and inserting a substitute; which amendment was agreed to; and, on motion of Mr. Sharpe, the bill, as amended, was ordered to be referred to the committee on Internal Improvement.

The bill to exempt from execution, a certain portion of the lands of the citizens of North Carolina, was read the second time. A motion was made by Mr. Joyner, to amend the bill, by striking out, in the 12th line of the 1st section, the words "one hundred," and inserting in lieu thereof, the word "fifty;" which was agreed to. On motion of Mr. Joyner, ordered that the bill, as amended, lie on the table.

Mr. Brittain presented a bill, entitled a bill regulating the times of holding one of the terms of the Courts of pleas and quarter sessions, for the county of Macon; which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Dowd presented the petition of Margaret Muse, of the county of Moore, praying to be divorced from her husband Thomas W. Muse; and Mr. Alexander presented the petition of sundry citizens of Tyrrel, praying the Legislature to repeal, in part, an act of the General Assembly, entitled an act concerning a public road leading from Columbia, in Tyrrel county, to Plymou. Which petitions, on the motions of Mr. Dowd and Mr. Alexander, were severally ordered to be referred to the committee on propositions and grievances.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to ballot immediately for Public Treasurer; and stating that Messrs. Jervis and Swanner, form the committee, to superintend the balloting, on their part. Whereupon, a message was sent to that House, stating that Messrs. Edmonston and Baker, are appointed to superintend the balloting on the part of the Senate.

✓ Mr. Polk, from the joint select committee, to which was referred so much of the Governor's message as relates to incendiary publications by the Abolitionists of the North, reported a preamble, with the following resolutions, to wit :

Resolved, That we are ready and willing to make a common cause of this subject, with the rest of our sister slave-holding States, and hereby invite their co operation, in passing such laws and regulations, as may be necessary to suppress and prevent the circulation of any such publications within any of the slave-holding States.

Resolved, That although the Constitution secures to Congress the exclusive jurisdiction within the District ceded by the States to the Federal Government, yet we should deprecate any action on the part of Congress, towards liberating the slaves of the said district, without consent of their owners, as a breach of faith towards the States by whom the territory was ceded; and will regard such an interference, as the first step towards legislative action with regard to our own property.

Resolved, That his Excellency, the Governor of this State, be requested to transmit a copy of these Resolutions to each of our Senators and Representatives in Congress, and to the Executives of each of the States of this Union.

Which resolutions were read the first time and passed; and, on motion of Mr. Little, ordered that a message be sent to the House of Commons, with a proposition that the preamble and resolutions be printed; which motion was subsequently reconsidered, on motion of Mr. Wyche: and on motion of Mr. Little, they were ordered to lie on the table and be printed.

Mr. Polk, also from the same committee, at the request of the minority of the committee, submitted the following resolutions, to wit :

Resolved, that North Carolina alone has the right to legislate over the slaves, in her territory, and any attempt to change their condition, whether made by Congress, the Legislatures, or the People of other States, are to be regarded as the invasion of our just rights.

Resolved, that we are ready and willing to make on this subject a common cause with our sister slave-holding States, and hereby invite their co-operation, in passing such laws and regulations, as may be necessary to suppress and prevent the circulation of any incendiary publications, within any of the slave-holding States.

Resolved, that the thanks of this State, are due and the kindest feelings of the citizens thereof are cherished towards their brethren of the North, who have magnanimously sustained the principles of our Federal Government, and recognised and maintained our rights against the fanatics of those States.

Resolved, that our sister non-slave-holding States, are respectfully requested to enact penal laws prohibiting the printing within their respective limits, all such publications as may have a tendency to make our slaves discontented with their present condition, or incite them to insurrection.

Resolved, that although by the Constitution, all legislative power over the District of Columbia is vested in the Congress of the United States, yet we would deprecate any legislative action on the part of that body towards liberating the slaves of that District, as a breach of faith towards those States, by whom the Territory was originally ceded, and would regard such interference, as the first steps towards a general emancipation of the Slaves of the South.

Resolved, that the Governor be, and he is hereby requested to forward a copy of this Preamble and resolutions, to each of our Senators and Representatives in Congress, and to the Executive of each of the States of the Union, with a request that the same be submitted to their respective Legislatures.

Which resolutions, on motion of Mr. Hogan, were also ordered to lie on the table and be printed.

On motion of Mr. Hogan, the bill to provide for the payment of instalments on the shares reserved to the State in the capital stock of the Bank of the State of North Carolina, heretofore laid on the table, by an order of the Senate, was taken up. The question still pending on the amendments proposed by the committee on Finance: which amendments were severally agreed to. The ayes and noes being demanded by Mr. Hogan, on the adoption of the first amendment, to wit: Fill the first blank with the sum of "four hundred thousand," were—Ayes 34, Noes 26.

Those who voted in the affirmative are, Messrs. Alexander, Allison, Baker, Ballew,

Brittain, Bullock, Cooper of M., Cowper of G., Edmonson, Exum, Fox, Gambill, Gavin, Harry, Hussey, Kendall, Kerr, Marsteller, Moore of S., Patterson, Rabun, Reid, Selby, Sharpe, Simmons, Stephens, Tillet, Vann, Waugh, Wellborn, Whitaker, Whitehurst, Williams of P., Wyche.

Those who voted in the negative are, Messrs. Beasley, Bryan, Dowd, Edwards, Harrison, Hill, Hogan, Houlder, Joyner, Lindsay, Little, Long, McCormick, McQueen, Martin, Mebane, Moorehead, Moore of R., Moye of G., Moye of P., Polk, Staley, Williams of B., Williams of F., Wilson, Young

A motion was made by Mr. Reid to amend the bill by striking out in the 3rd and 4th lines of the second section, after the word "interest," the words "at the rate of," and insert the words not exceeding: which amendment was not agreed to: The question then recurring on the passage of the bill, it was decided in the affirmative, ayes 38, noes 21. The ayes and noes being demanded by Mr. Moye of Pitt.

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Baker, Ballew, Brittain, Bullock, Cooper of M., Cowper of G., Cromartie, Edmonston, Exum, Fox, Gambill, Gavin, Harry, Hogan, Hussey, Kendall, Kerr, McQueen, Marsteller, Moore of S., Patterson, Rabun, Reid, Selby, Sharpe, Stephens, Tillet, Vann, Waugh, Wellborn, Whitaker, Whitehurst, Williams of B., Williams of P., Wyche, Young.

Those who voted in the negative, are, Messrs. Beasley, Bryan, Dowd, Edwards, Harrison, Hill, Houlder, Joyner, Lindsey, Little, Long, McCormick, Martin, Mebane, Moorehead, Moye of G., Moye of P., Polk, Staley, Williams of F., Wilson.

Thereupon the bill was read the third time, passed, and ordered to be engrossed.

Mr. Hill submitted the following resolution, to wit:

Resolved, that the charter of the bank of North Carolina, be so amended, as to authorize the increase of the amount of capital stock thereof, in a sum not exceeding 200,000 dollars, so as to enable the Board of trustees of the University of North Carolina, and the Treasurer of the Literary fund to subscribe for as many shares in said stock, as to them may appear expedient.

Which was read the first and second times and passed, and on motion of Mr. Mebane ordered to lie on the table.

Mr. Edmonston from the committee appointed to conduct the balloting for Public Treasurer, reported that Samuel F. Patterson having received a majority of votes, is duly elected: in which report the Senate concurred.

The Senate then entered upon the orders of the day, and proceeded to consider the resolutions respecting the public domain. The question still pending on the second reading of said resolutions. A motion was made by Mr. Joyner to amend the resolutions by striking out the whole thereof except the word "resolved," and inserting a substitute; but before the question was taken thereon,

The Senate then adjourned until to-morrow morning 10 o'clock.

THURSDAY, DECEMBER 10, 1835.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, and resolutions, to wit: A bill to provide for the payment of instalments on the shares reserved to the State, in the capital stock of the bank of the State of North Carolina: A bill regulating the times of holding one of the terms of the Courts of Pleas and Quarter Sessions for the county of Macon; and a resolution in favor of Zachariah Candler: in which they ask the concurrence of that House.

Mr. Joyner from the committee on Internal Improvement to which was referred the bill to incorporate the North Carolina Rail Road Company, reported the same without amendment, with a recommendation that it be passed into a law.

Mr. Edmonston from the committee on Propositions and Grievances, to

which was referred the petition of William Jackson of the county of Wayne, made a favorable report thereon accompanied by a bill to carry into effect the prayer of the petitioner, entitled a bill to restore to credit William Jackson of the county of Wayne: Whereupon the bill was read the first and second times, and passed: read the third time, a motion was made by Mr. Waugh, to amend the bill by extending its provisions in favor of Alfred Dunigan of Surry county, which was not agreed to. The question then recurring on the passage of the bill, it was decided in the affirmative, and ordered to be engrossed.

Mr. Edmonston from the same committee to which was referred the petition of Margaret Spier praying to be divorced from her husband Alexander Spier, made a favorable report thereon, accompanied by a bill entitled a bill to divorce Margaret spier from her husband Alexander Spier, which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Edmonston from the same committee to which was referred the petition of Margaret Muse praying to be divorced from her husband Thomas W. Muse, made a favorable report thereon, accompanied by a bill to divorce Margaret Muse of Moore county; which was read the first time, and passed: read the second time: Mr. Bryan moved that the bill be referred to the committee on the Judiciary, which was not agreed to. The question then recurring on the passage of the bill, it was decided in the negative.

The resolution fixing the day of adjournment heretofore laid on the table by an order of the Senate, was taken up, on motion of Mr. Cooper of Martin, and read the third time: a motion was made by Mr. Cooper of M. to amend the resolution by striking out the word twentieth, in the second line, and inserting in lieu thereof the words "twenty first," which was agreed to. A motion was then made by Mr. Little that the resolution be postponed indefinitely; which motion was not agreed to: The question then recurring on the passage of the resolution, it was decided in the affirmative, ayes 44, noes 15. The ayes and noes being demanded by Mr. Cooper of M.

Those who voted in the affirmative are, Messrs. Alexander, Allison, Baker, Ballew, Beasley, Bullock, Cooper of M., Cowper of G., Cromartie, Exum, Gambill, Gavin, Harrison, Hogan, Houlder, Hussey, Joyner, Kendall, Kerr, Lindsey, Long, McCormick, Marsteller, Martin, Mebane, Moody, Morehead, Moye of G., Move of P., Patterson, Reid, Selby, Sharpe, Simmons, Staley, Stephens, Tillet, Vann, Waugh, Whitehurst, Williams of B., Williams of F., Williams of P., Wilson.

Those who voted in the negative are, Messrs. Brittain, Bryan, Dowd, Edmonson, Fox, Harry, Hill, Little, Moore of R., Moore of S., Rabun, Wellborn, Whitaker, Wyche, Young. Ordered that the resolution be engrossed.

Mr. Baker presented a bill entitled a bill to prevent persons residing in the State of Tennessee, and the adjoining counties in this State, from driving stock to range in the county of Yancy; which was read the first time and passed, and on motion of Mr. Baker, ordered to be referred to the committee on Propositions and Grievances.

Received from the House of Commons a message stating that they have passed the engrossed bill to legitimate Thomas Petit of Surry county; in which they ask the concurrence of the Senate; whereupon the said bill was read the first time, and passed, and on motion of Mr. Little, ordered to lie on the table.

Received from the House of Commons, certificates of pension in favor of Capt. John Rhem, Christopher Bexley, and Thomas Ewell, countersigned.

by the Speaker of the House of Commons, and which on motion of Mr. Bryan were severally ordered to be countersigned by the Speaker of the Senate.

The hour having arrived designated by the Governor elect, for his qualification, and the Senate being informed by message, that the House of Commons was in readiness to receive them on the occasion, the two Houses of the General Assembly, convened in the Commons Hall, where the oaths required by law, to be taken by the Governor before entering upon the duties of his office were administered in presence of both branches of the Legislature to Richard D. Spaight, by Allen Rogers, Esq. a justice of the peace for the county of Wake, and a Member of the House of Commons. Whereupon the Senate returned to their chamber for the purpose of legislation.

Mr. Moorehead presented the petition of sundry citizens of the State of Virginia praying the legislature to pass an act incorporating a company, with a capital of two millions of dollars, authorized to construct a Rail Road from the town of Evansham, in the county of Wythé, by Danville, through the territory of North Carolina, to some point on the Roanoke, intersecting the Petersburg and Roanoke, the Portsmouth and Roanoke, and Greenville and Roanoke Rail Roads. Ordered on motion of Mr. Moorehead, that a message be sent to the House of Commons proposing that said memorial be referred to a joint select committee.

On motion of Mr. Joyner, the bill to incorporate the Cincinnati and Charleston Rail Road Company, heretofore laid on the table by an order of the Senate, was taken up, and the bill was read the third time. A motion was made by Mr. Bryan to amend the 18th section of the bill by adding the following proviso, at the end thereof, to wit, that nothing contained in this act shall prevent the construction of a Rail Road or Rail Roads, to cross or intersect the track or tracks of this Rail Road, which may heretofore be chartered by this State: which was agreed to: The question then recurring on the passage of the bill as amended, it was decided in the affirmative, and the bill ordered to be engrossed.

The Senate then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 11, 1835.

A message was received from the House of Commons, stating that the Senate has passed the following engrossed bills and resolution, to wit: A bill to divorce Margaret P. Spear, from her husband Alexander Spear; a bill to restore to credit, William Jackson, of the county of Wayne; and a resolution for adjournment of both Houses of the General Assembly; in which, they ask the concurrence of that House.

Thomas J. Pasteur, the Senator elect from the county of Craven, appeared, produced his credentials, was sworn before the Senate, and took his seat.

Mr. McCormick presented the certificate of the county court of Cumberland, in favor of Ann Morrison, a pensioner of the State; ordered, on motion of Mr. McCormick to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. Edmonston from the committee on Propositions and Grievances, to which was referred the petition of sundry citizens of the county of Tyrrell, praying the legislature to repeal an act passed at the last General Assembly,

establishing a public road leading from Columbia on Scuppernong river, to the boundary line between Washington and Tyrrell counties, made a report thereon unfavorable to the prayer of the petitioners, and asked to be discharged from the further consideration of the subject: which report was concurred in, and the committee discharged accordingly.

Mr. Edmonston from the same committee to which was referred the petition of Elizabeth M. Starnes, with the bill to divorce Elizabeth M. Starnes of Macon, made a favorable report thereon, reported the bill without amendments; with a recommendation that it be passed into a law: whereupon the said bill was read the third time and passed; ayes 34 noes 24. The ayes and noes being demanded by Mr. Hogan.

Those who voted in the affirmative, are, Messrs. Allison, Baker, Ballew, Brittain, Bullock, Cooper of M., Edmonston, Exum, Gambill, Gavin, Harrison, Harry, Hussey, Kerr, Lindsay, McQueen, Marsteller, Martin, Moody, Moore of S., Moye of P., Pasteur, Patterson, Polk, Rabun, Staley, Sharpe, Simmons, Tillet, Vann, Wellborn, Williams of B., Williams of F., Young.

Those who voted in the negative, are, Messrs. Beasley, Bryan, Cowper of G., Cromartie, Dowd, Fox, Hill, Hogan, Houlder, Joyner, Kendall, Little, Long, McCormick, Moorehead, Moye of G., Reid, Selby, Stephens, Waugh, Whitaker, Whitehurst, Wilson, Wyche,

Ordered that the bill be engrossed.

Mr. Edwards presented the resignation of Wm. W. Hall one of the Engrossing clerks, which was read and accepted; and on motion of Mr. Edwards, ordered that it be transmitted to the House of Commons, with a proposition that a balloting be had immediately to fill the vacancy, and informing them that Watson W. Woodburn, and Thomas L. West, are in nomination for the appointment: Whereupon a message was received from that House, stating their concurrence in the proposition, that the name of J. J. Thomas is added to the nomination, and that Messrs. Buie and Henry attend the Senate to conduct the balloting on their part: Thereupon Messrs. Moorehead and Marsteller were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Fox presented a bill entitled a bill to incorporate Campbell's Creek Gold Mining Company; and Mr. Little presented a bill entitled a bill to incorporate the Long Creek Gold Mining Company; which bills were severally read the first, second, and third times, passed and ordered to be engrossed.

Received from the House of Commons a message proposing to refer the memorial of sundry citizens of Virginia, on the subject of a Rail Road from Danville in Virginia to some point on the Roanoke, to a joint select committee; which proposition was concurred in, and a message sent to that House proposing that said committee consist of five, on the part of each House, and that Messrs. Moorehead, Moore of S., Waugh, Reid, Williams of P., compose the Senate's branch of said committee.

Received from the House of Commons, a message stating that they have passed the following engrossed bills, to wit: A bill to regulate the practice of Hawking and Peddling in this State; A bill to repeal in part the 13th section of an act passed in 1824, authorizing the making a Turnpike Road in the County of Buncombe; in which they ask the concurrence of the Senate: whereupon the first named bill was read the first time and passed: the last named bill was read the first, second, and third times, passed, and ordered to be enrolled.

Mr. Edmonston presented a bill entitled a bill to repeal an act entitled an act to make compensation to the jurors of the Superior Courts of Haywood county; which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Marsteller from the committee appointed to conduct the balloting for an engrossing clerk, reported that Thomas L. West had received a majority of votes, and is duly elected; in which report the Senate concurred.

Mr. Mebane moved that the bill to incorporate the Cincinnati and Charleston Rail Road Company, which passed its third reading on yesterday, be reconsidered: and on the question will the Senate reconsider said bill, it was decided in the affirmative: Mr. Wyche moved to reconsider the amendment to the 18th section: and on the question, will the Senate reconsider said amendment, it was decided in the affirmative: The question then recurring on the adoption of the amendment, it was decided in the negative: Whereupon the bill was read the third time, and passed and ordered to be engrossed.

On motion of Mr. Bryan, the bill to divorce Thomas White of Craven county from his wife Mahala White, heretofore laid on the table by an order of the Senate, was taken up, and on motion of Mr. Bryan, ordered together with certain documents in relation to the subject presented by Mr. Bryan to be referred to the committee on Propositions and Grievances.

The Senate then entered upon the orders of the day, and proceeded to consider the resolutions respecting the Public Domain, the question still depending on Mr. Kerr's call for a division of the question on Mr. Joyner's motion to strike out all after the word resolved, and insert a substitute: before the question was taken thereon, a motion was made by Mr. Wellborn to amend the resolutions by striking out the 4th section thereof; which was not agreed to, ayes 26, noes 36: The ayes and noes being demanded by Mr. Wilson.

Those who voted in the affirmative are, Messrs. Ballew, Beasley, Bryan, Bullock, Dowd, Harrison, Hill, Hogan, Joyner, Kendall, Little, Long, McQueen, Martin, Morehead, Moore of R., Moore of S., Moyer of P., Polk, Selby, Staley, Tillet, Wellborn, Williams of B., Wilson, Young.

Those who voted in the negative are, Messrs. Allison, Baker, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonston, Edwards, Exum, Fox, Gambill, Gavin, Harry, Houlder, Hussey, Kerr, Lindsay, McCormick, Marsteller, Mebane, Moody, Moyer of G., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P., Wyche.

The question then recurring on the motion to strike out, it was decided in the negative, ayes 25, noes 37; The ayes and noes being demanded by Mr. Moyer of Pitt:

Those who voted in the affirmative are, Messrs. Ballew, Bryan, Bullock, Dowd, Harrison, Hill, Hogan, Joyner, Kendall, Little, Long, McQueen, Martin, Morehead, Moore of R., Moore of S., Moyer of P., Polk, Selby, Staley, Tillet, Wellborn, Williams of P., Wilson, Young.

Those who voted in the negative are, Messrs. Allison, Baker, Beasley, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonston, Edwards, Exum, Fox, Gambill, Gavin, Harry, Houlder, Hussey, Kerr, Lindsay, McCormick, Marsteller, Mebane, Moody, Moyer of G., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P., Wyche.

The Question was then taken on the passage of the resolutions and decided in the affirmative; whereupon the resolutions were read the third time. A motion was made by Mr. Little to amend the resolution by striking out all after the word resolved, and inserting a substitute: Mr. Cooper

of M. called for a division of the question ; but before the question was taken on striking out, a motion for adjournment prevailed.

Mr. Houlder presented the resignations of James Whittenton, and Henry H. Tharpe, justices of the peace for the county of Johnson ; which were read and accepted, and ordered to be sent to the House of Commons.

Received from the House of Commons, the resignations of the following justices of the peace and field officers, to wit : James Harrison, a justice of the peace for the county of Jones ; Ashley Tunnel a justice of the peace for the county of Johnson ; John Broadway, a justice of the peace for the county of Anson ; Samuel T. Hawley, colonel of the regiment of Artillery of North Carolina ; George Ferguson, lieut. colonel of the 75th regiment of North Carolina militia ; and N. M. Hemby, major of cavalry, 14th brigade of North Carolina militia ; endorsed, read and accepted, and which were severally read and accepted by the Senate.

The Senate adjourned until to-morrow morning 10 o'clock.

SATURDAY, DECEMBER 12, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit : A bill to incorporate the Cincinnati and Charleston Rail Road Company ; A bill to repeal an act entitled an act to make compensation to the jurors of the Superior courts of Haywood county ; a bill to incorporate the Long Creek Gold Mining company ; a bill to divorce Elizabeth M. Starnes of Macon county : in which they ask the concurrence of that house.

Mr. Hogan from the committee on the judiciary, to which was referred a bill to alter the name of Quinton Robertson, of the county of Gates, and to legitimate him ; reported the same with an amendment, to wit : after the word "distribution," insert the words "from his father Thomas Rountree:" whereupon, the bill was read the second time—the amendment concurred in, and the bill passed as amended ; the bill was then read the third time—passed, and ordered to be engrossed.

Mr. Hogan, from the same committee, to which was referred the resolution to inquire into the expediency of amending the law directing the manner in which Sheriff's bonds in this State, shall be taken—reported, that it is inexpedient at present, to legislate on the subject ; and asking to be discharged from the further consideration of the subject ; which report was concurred in.

Mr. Hogan, from the same committee, to which was referred "the bill to give exclusive jurisdiction to the supreme courts in this State, in all cases where the intervention of a jury may be necessary," reported the same without amendment, recommending that it be rejected, as it is inexpedient at this time to legislate on the subject.

Mr. Hogan from the same committee, to which was referred the resolution instructing them to examine the law to punish vagrants, and see what amendments are necessary to put said act into full operation—reported that it is inexpedient to legislate on the subject—report the act of 1784, and ask leave to be discharged from the further consideration of the subject ; which report was concurred in. and the committee discharged accordingly.

Mr. Hussey presented the memorial of sundry citizens of the counties of Duplin and Onslow, praying the Legislature to incorporate a company to

improve the navigation of Cypress Creek—Ordered on motion of Mr. Hussey to be referred to the committee on Internal Improvement.

Mr. Mebane presented a bill, entitled a bill concerning the revision and digest of the Statute laws of North Carolina: which was read the first time, and passed, and on motion of Mr. Wyche, ordered to be referred to the joint select committee on that subject.

A message was received from the House of Commons, announcing that Messrs. Waddell, Dudley, Poindexter, Buie, and Benton, form their branch of the joint select committee, to whom is referred the memorial of sundry citizens of Virginia, on the subject of a rail road.

Received from the House of Commons, a message proposing that a joint select committee be raised to inquire into the expediency of providing a residence in this city for his Excellency the Governor; which proposition was concurred in. Mr. Fox presented a bill to secure to the trustees of the Baptist church in the town of Charlotte, and their successors in office, the right to hold and possess the lot on which their house of worship is situated; which was read the first, second and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message stating that they have passed the following engrossed bills, to wit: A bill to restore to credit John Masters of the county of Yancy; a bill for the better regulation of the slave laborers in the town and port of Wilmington; in which they ask the concurrence of the Senate; whereupon the first named bill was read the first and second times, and passed, read the third time and passed—Ayes 54, Noes 8. The ayes and noes being demanded by Mr. McCormick,

Those who voted in the affirmative are, Messrs. Allison, Baker, Ballew, Beasley, Brittain, Bryan, Bullock, Cooper, of M., Cowper of G., Dowd, Edmonson, Edwards, Exum, Fox, Gambill, Gavin, Harrison, Harry, Hill, Hogan, Houlder, Hussey, Joyner, Kerr, Lindsey, Little, Long, McQueen, Marsteller, Martin, Mebane, Moody, Morehead, Moyer of G., Moyer of P., Pasteur, Patterson, Polk, Rabun, Selby, Sharpe, Simmons, Staley, Tillet, Vann, Wellborn, Whitaker, Whitehurst, Williams of B., Williams of F., Williams of P., Young.

Those who voted in the negative are, Messrs. Cromartie, Kendall, McCormick, Reid, Stephens, Waugh, Wilson, Wyche.

Ordered that the bill be enrolled. The last named bill was read the first, and second times, and passed; on motion of Mr. Hill, ordered to lie on the table.

The engrossed bill to incorporate the North Carolina Rail Road Company; was read the third time. A motion was made by Mr. Joyner to amend the bill by inserting the following to stand as the 6th section of the bill to wit:

Be it further enacted, That it shall not be the duty of the said company, to receive produce, goods, wares, and merchandize, to be transported on the said road, at any other places, than their regular depots, which they are required to establish; and it shall be lawful for the said company, to charge fifty cents in addition to the rates established by the act of 1833, to which this is an amendment, for every passenger they may take up at any points on the said road, other than their depots as aforesaid.

Which was agreed to; and the bill was passed as amended; whereupon, a message was sent to the House of Commons, asking their concurrence in the amendments to said bill.

Received from the House of Commons, a message stating their concurrence in the proposition of the Senate, to refer to a joint select committee, the memorial of certain citizens of Virginia, on the subject of a rail road; and announcing that Messrs. Waddell, Dudley, Poindexter, Buie, and Benton, form the committee on their part.

The bill to give exclusive jurisdiction to the superior courts in this State, in all cases where the intervention of a jury may be necessary, was read the second time, and resolved that the same shall not pass—Ayes 4, Noes 55. The ayes and noes being demanded by Mr. Sharpe,

Those who voted in the affirmative, are, Messrs Kendall, Little, McCormick, Martin. Those who voted in the negative are, Messrs. Alison, Baker, Ballew, Beasley, Brittain, Bryan, Bullock, Cooper of M Cowper of G., Cromartie, Dowd, Edmonston, Edwards, Exum, Fox, Gambill, Gavin, Harrison, Hill, Hogan, Houlder, Hussey, Joyner, Kerr, Lindsay, Long, McQueen, Marsteller, Mebane, Moody, Moorehead, Moore of R., Moore of S., Moye of G., Moye of P., Patterson, Rabun, Reid, Selby, Sharpe, Simmons, Staley, Stephens, Tillet, Vann, Waugh, Wellborn, Whitaker, Whitehurst, Williams of B. Williams of F. Williams of P., Wilson, Wyche, Young.

Received from the House of Commons, the resignations of the following justices of the peace, and field officers, to wit: Benjamin Tucker, a justice of the peace for the county of Pitt; James Law, a justice of the peace for the county of Davidson; Thomas L. Cotten, a justice of the peace for the county of Montgomery; S. Loudermilk, colonel commandant of the second regiment of Iredell county militia. Endorsed, read and accepted; and which were severally read and accepted by the Senate.

The Speaker announced to the Senate, that Messrs. Edwards, Bryan, and Cooper of Martin, compose the committee to enquire into the expediency of providing a residence for his Excellency the Governor.

The Senate then resumed the unfinished business of yesterday. Mr. Little's amendment, to strike out all of the resolutions respecting the public domain, after the words "Resolved," and insert a substitute, still pending: the question being on the motion to strike out, Mr. Cooper of Martin, called for a division of the question: But before the question was taken thereon,

The Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 14, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills, to wit: A bill to secure to the trustees of the Baptist church in the town of Charlotte, and their successors in office, the right to hold and possess the lot on which their house of worship is situated; and a bill to alter the name of Quinton Robertson, of the county of Gates, and to legitimate him; in which, they ask the concurrence of that House.

On motion of Mr. Moye of Pitt, ordered that Mr. Williams of Beaufort, have leave of absence from the service of the Senate, after this day.

Mr. Marsteller presented the resignation of J. W. Nichols, lieutenant colonel of the first regiment of North Carolina militia; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Kerr, from the joint select committee on military affairs, to which was referred the memorial of George Gilbreath, captain of a company of artillery in the county of Wilkes, praying the Legislature to direct the manner in which certain public arms, in his possession, shall be disposed of, made a report thereon, accompanied by a resolution, directing George Gilbreath to deliver the public arms, in his possession, to the commandant of the 74th regiment; whereupon, the resolution was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Hogan, from the committee on the judiciary, to which was referred a bill to alter the name of Amy Boyd of Pitt, and to legitimate her, re-

ported the same with an amendment, to wit: In the 9th line, after the word "distribution," insert the words, "her father Hosea Buck;" which was concurred in. Whereupon, the bill was read the third time and passed as amended, and ordered to be engrossed.

Mr. Gambill presented a bill, entitled a bill appointing commissioners to lay off a road from the Deep Gap, in the Blue Ridge, to Stephen Thomas', in the county of Ashe, and for other purposes; and Mr. Rabun presented a bill, entitled a bill to encourage the destruction of wolves in Buncombe county; which bills were severally read the first, second, and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, announcing that Messrs. L. A. Gwyn, Hybart, and McRae, form the committee on their part, to enquire into the expediency of providing a residence for his Excellency the Governor.

Received also from the House of Commons a message, stating that they have postponed, indefinitely, the engrossed bill defining the duty of the county court, in appointing patrols, and the duty of patrols.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to amend an act, to incorporate the Raleigh and Roanoke Rail Road Company, with sundry amendments, to wit: On the second page of the bill, insert the amendment marked "A," add to the bill the sections marked "B" and "C;" in which they ask the concurrence of the Senate: Whereupon, the said amendments were read and concurred in, and the House of Commons informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Wilmington Marine Association; in which they ask the concurrence of the Senate. Whereupon the said bill was read the first, second and third times, passed, and ordered to be enrolled.

The Senate then entered upon the orders of the day, and proceeded to consider the bill to amend the revenue laws; which was read the second time and passed, and on motion of Mr. Edmonston, ordered to be referred to the committee on the judiciary.

The engrossed bill to regulate the practice of hawking and pedling in this State, was read the second time and passed, and on motion of Mr. Wilson, ordered to be referred to the committee on the judiciary.

Mr. Sharpe presented a bill, entitled a bill to revive and amend an act passed in 1831, entitled an act to incorporate the Tarborough and Hamilton Rail Road Company.

Mr. Bullock presented a bill supplemental to an act passed in the year 1809, entitled an act directing how persons, injured by the erection of public mills, shall, in future, proceed to recover damages; and Mr. Cowper of Gates, a bill entitled a bill to provide for the election of registers in the several counties in this State, when any vacancy may heretofore arise by death, resignation or otherwise; which were severally read the first time and passed. The first named bill was then read the second and third times, passed, and ordered to be engrossed. The last named bill, on motion of Mr. Little, was ordered to lie on the table.

On motion of Mr. Bryan, the bill more effectually to suppress the vice of gaming in this State, heretofore laid on the table, by an order of that House, was taken up; and thereupon, the bill was read the third time.

A motion was made by Mr. Wyche to amend the bill, by adding the following section between the 7 and 8th sections, to wit: "Be it further enacted, that in every case of conviction under this act, the solicitor presenting the same, shall be entitled to a fee of twenty dollars, to be taxed in the bill of costs, and paid by the defendant, as in other cases of conviction." And a motion was made by Mr. Bryan, to amend the bill, by striking out, in the 1st line of the 7th section, the words "so much of;" which amendments were severally concurred in. Mr. Wellborn moved further to amend the bill, by inserting in the 5th line of the 1st section, of the word "kind" the words "all games of cards, where money may be won or lost, or bets made;" which was concurred in—Ayes 32, Noes 26. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative, are, Messrs. Alexander, Baker, Ballew, Beasley, Brittain, Bullock, Cooper of M., Cowper, of G., Cromartie, Dowd, Gambill, Harry, Houlder, Hussey, Kerr, Lindsey, Little, Long, McCormick, Marsteller, Moorehead, Moore of S., Patterson, Reid, Selby, Simmons, Tillet, Vann, Wellborn, Williams of F., Wilson, Young.

Those who voted in the negative, are, Messrs. Allison, Bryan, Edmonston, Edwards, Exum, Fox, Gavin, Harrison, Hill, Hogan, Kendall, Martin, Mebane, Moody, Moore of R., Moye of G., Moye of P., Pasteur, Rabun, Sharpe, Staley, Stephens, Waugh, Whitaker, Williams of P., Wyche.

A motion was made by Mr. Wyche, further to amend the bill, by striking out, in the twenty-first line of the first section, after the word "dollars," the words, "and receive not less than twenty, nor more than thirty-nine lashes on his bare back." A motion was made by Mr. Bryan, further to amend the bill, by inserting after the same word, in the same line and section, the words, and imprisoned not exceeding six months." A motion was made by Mr. Marsteller, to strike out the proviso, at the end of said section; which amendments were severally concurred in. A motion was made by Mr. Edwards, that the bill lie upon the table; which was not agreed to. The question then recurring on the passage of the bill, it was decided in the affirmative—Ayes 41, Noes 17. The ayes and noes being demanded by Mr. Alexander,

Those who voted in the affirmative are, Messrs. Alexander, Allison, Baker, Ballew, Beasley, Brittain, Bryan, Cooper of M., Cowper of G., Cromartie, Dowd, Fox, Gavin, Harry, Hill, Houlder, Kendall, Kerr, Lindsey, Little, Long, McCormick, Martin, Mebane, Moore of R., Moore of S., Moye of P., Pasteur, Patterson, Selby, Sharpe, Staley, Stephens, Vann, Waugh, Wellborn, Whitaker, Williams of F., Wilson, Wyche, Young.

Those who voted in the negative, are, Messrs. Bullock, Edmonston, Edwards, Exum, Gambill, Harrison, Hogan, Hussey, Marsteller, Moody, Moorehead, Moye of G., Rabun, Reid, Simmons, Tillet, Williams of P.

Ordered that the bill be engrossed. Mr. Fox presented a bill to incorporate the Hope Gold Mining Company; which was read the first time, and passed.

The Senate then resumed the unfinished business of Saturday, the resolutions respecting the public domain being still under consideration, and the question on striking out, in pursuance of the call of Mr. Cooper of Martin, for a division of the question, on Mr. Little's amendment, to strike out all of the resolution after the word "resolved," and insert a substitute, still pending; before the question was taken thereon, the Senate adjourned until to-morrow morning 10 o'clock.

TUESDAY, DECEMBER 15, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions to wit: A bill more effectually to suppress the vice of gaming in this State; a bill ap-

pointing commissioners to view and lay off a road from the deep gap in the Blue ridge to Stephen Thomas's in the county of Ashe, and for other purposes; a bill to review and amend an act passed in 1831, entitled an act to incorporate the Tarboro' and Hamilton Rail Road Company; a bill to encourage the destruction of Wolves in the county of Buncombe; a bill to alter the name of Amy Boyd, and to legitimate her; and a resolution directing John Gilbreath to deliver the public arms in his possession to the 74th Regiment; in which they ask the concurrence of the House of Commons.

Mr. Edmondson from the committee on Propositions and Grievances, to which was referred the petition of Wilham B. Morgan, of the county of Macon, praying to be divorced from his wife Polly Morgan, made a report thereon, favorable to the prayer of the petitioner, accompanied by a bill to divorce William B. Morgan from his wife Polly Morgan, with a recommendation that said bill be passed into a law: whereupon the bill was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Wyche from the joint select committee on the revisal and digest of the Statute laws of the State, to which was referred the bill concerning the revisal and digest of the Statute laws of the State, reported the bill without amendment, with a recommendation that said bill be rejected.

Mr. Marsteller from the joint committee on Military Affairs, to which was referred the petition of sundry citizens of the county of Wilkes, praying the liberty of forming a Volunteer Company, made an unfavorable report, asking to be discharged from the further consideration of the subject; which report was concurred in, and the committee discharged accordingly.

Mr. Wyche presented a resolution in favor of Richard W. Ashton; which was read the first time and passed, and on motion of Mr. Whitaker, ordered to be referred to the committee on claims.

Mr. Edmonston presented a bill, entitled a bill giving further time to the justices of the peace for the county of Haywood, to return the list of the taxable property of said county. Mr. Wellborn, a bill entitled a bill to annex part of Wilkes county to the county of Ashe. Mr. Whitehurst, a bill entitled a bill making compensation to the jurors of the county of Pasquotank; and Mr. Polk, a bill entitled a bill to incorporate the Claremount Gold Mining Company. Which were severally read the first, second and third times, passed, and ordered to be engrossed.

Mr. Wilson presented a bill, entitled a bill giving to widows, who may not dissent from their husband's wills, a distributive share of the residuum of their husbands' personal estate, not given away in their wills: Providing that widows who may dissent from their husbands' wills, may within six months from the Probate, file their petitions in the county court, for one years provisions, and for other purposes; which was read the first time, and passed.

The bill to incorporate the Hope Gold Mining Company in the county of Mecklenburg; was read the second and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message stating their concurrence in the amendments proposed by the Senate to the engrossed bill to incorporate the North Carolina Rail Road Company. Ordered to be enrolled.

Received also from the House of Commons, a message, with which was transmitted a message from his Excellency the Governor, with a proposition

that the accompanying report of the Treasurer of the University, be printed; which proposition was concurred in, and the House of Commons was informed thereof by Message.

Received from the House of Commons, the resignation of the Hon. James Martin, one of the Judges of the superior courts of law and equity, endorsed, read, and accepted, and which was read and accepted by the Senate.

On motion of Mr. Polk, ordered that a message be sent to the House of Commons, proposing to ballot on to-morrow for a Judge of the superior courts of law and equity, and stating that William J. Alexander is in nomination for the appointment.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills to wit: A bill to divorce Elizabeth Silva; a bill to divorce Margaret Massey; a bill to divorce William Hines; a bill to divorce Lucy Calvert; a bill to divorce Mahala Walls; a bill to divorce Frances Cloud; a bill to repeal an act passed in 1833, entitled an act, directing the Judges of the superior courts of Hyde county, not to take up State cases before the third day of Court, and a bill to incorporate the Raleigh and Gaston Rail Road Company; in which they ask the concurrence of the Senate; whereupon, the six first named bills were severally read the first, second and third times, passed, and ordered to be enrolled; the two last named bills were severally read the first time and passed.

The engrossed bill for the better regulation of the Slave laborers in the town and port of Wilmington, was read the third time, passed, and ordered to be enrolled.

The bill supplemental to an act passed in the year 1809, entitled an act directing how persons injured by the erection of public Mills, shall in future proceed to recover damages, was read the second and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message, announcing that they have rejected the engrossed bill providing a reward for taking up runaway slaves.

On motion of Mr. Bryan, the engrossed bill to amend an act, entitled "an act" to establish the Merchants' Bank of the town of Newbern, together with the amendment proposed by the House of Commons to said bill, was taken up, and a motion was made by Mr. Bryan, that the Senate do now recede from said amendment; and the question being taken thereon, it was decided in the negative—Ayes 29, Noes 30. The ayes and noes being demanded by Mr. Cooper of M.

Those who voted in the affirmative, are, Messrs. Baker, Ballew, Beasley, Britain, Bryan, Dowd, Edmonson, Harrison, Harry, Hogan, Hussey, Joyner, Kerr, Little, Long, Martia, Morehead, Moore of R., Moore of S., Moyer of G., Moyer of P. Pasteur, Rabun, Selby, Simmons, Waugh, Welborn, Williams of B. Young.

Those who voted in the negative are, Messrs. Allison, Bullock, Cooper of M. Cowper of G., Cromartie Edwards, Exum, Fox, Gambill, Gavin, Houlder, Kendall, Lindsay, McCormick, Marsteller, Mebane, Moody, Patterson, Reid, Sharpe, Staley, Stephens, Tillet, Vann, Whitaker, Whitehurst, Williams of F., Williams of P., Wilson.

Mr. Marsteller then moved that the Senate do insist upon their amendment; which was concurred in, and the House of Commons was informed by message, that the Senate do insist upon their amendment.

Received from the House of Commons, a message, stating their concurrence in the proposition of the Senate, to ballot on to-morrow for a Judge of the Superior courts of law and equity.

The Senate then entered upon the order of the day, and resumed the consideration of the unfinished business of yesterday; the question was then taken on striking out, in pursuance of the call of Mr. Cooper of Martin, for a division of the question on Mr. Little's amendment to the resolutions respecting the public domain, to wit: strike out all after the word "resolved," and insert a substitute, and decided in the negative—Ayes 27, Noes 35. The ayes and noes being demanded by Mr. Cooper,

Those who voted in the affirmative are, Messrs. Ballew, Beasley, Bryan, Bullock, Dowd, Harrison, Harry, Hill, Hogan, Joyner, Kendall, Little, Long, Martin, Moody, Moorehead, Moore of R., Moore of S., Moye of P., Polk, Selby, Staley, Tillet, Wellborn, Williams of B. Wilson, Young.

Those who voted in the negative are, Messrs. Alexander, Allison, Baker, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonston, Edwards, Exum, Fox, Gambill, Gavin, Houlder, Hussey, Kerr, Lindsey, McCormick, Marsteller, Mebane, Moye of G., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P., Wyche.

A motion was made by Mr. Bryan to amend the resolutions by adding the following clause, at the end of the 2nd resolution, to wit:

And any act on the part of the Congress of the United States, by which the minimum price, at which these said lands are now sold, shall be reduced, would seriously affect the prosperity of the old States, and do great injustice to those States by which they were originally ceded to the confederacy; and moreover, it is the opinion of the General Assembly, that as the public debt has been extinguished, and the object for which the cession of the respective portions of the public domain by the States which originally held them, was made, has been accomplished, and the lien thereon discharged, that such disposition of the public lands, or the proceeds thereof, ought to be made among the States of the Union, as shall be proportioned to the respective sacrifices, and expenditures incurred by them, in the support of the United States; or at least in proportion to the Federal population; and the question being taken thereon, it was decided in the negative—Ayes 26, Noes 35. The ayes and noes being demanded by Mr. Edmonson,

Those who voted in the affirmative are, Messrs. Ballew, Bryan, Bullock, Dowd, Gambill, Harrison, Harry, Hill, Hogan, Joyner, Kendall, Little, Long, Martin, Moody, Moorehead, Moore of R., Moore of S., Moye of P., Polk, Selby, Staley, Tillet, Wellborn, Williams of B. Young.

Those who voted in the negative, are, Messrs. Alexander, Allison, Baker, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonston, Edwards, Exum, Fox, Gavin, Houlder, Hussey, Kerr, Lindsey, McCormick, Marsteller, Mebane, Moye of G., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P., Wilson, Wyche.

A motion was made by Mr. Little further to amend the resolutions, by adding thereto the following resolution, to wit:

Resolved, That Congress has the constitutional right to distribute the proceeds of the public lands, among the several States of the Union.

And the question being taken thereon, it was decided in the negative—Ayes 27, Noes 34. The ayes and noes being demanded by Mr. Marsteller,

Those who voted in the affirmative, are, Messrs. Allison, Ballew, Bryan, Bullock, Dowd, Gambill, Harrison, Harry, Hill, Hogan, Joyner, Kendall, Little, Long, Martin, Moody, Moorehead, Moore of R., Moore of S., Moye of P., Polk, Selby, Staley, Tillet, Wellborn, Williams of B., Young.

Those who voted in the negative, are, Messrs. Alexander, Baker, Brittain, Cooper of M., Cowper, of G., Cromartie, Edmonston, Edwards, Exum, Fox, Gavin, Houlder, Hussey, Kerr, Lindsey, McCormick, Marsteller, Mebane, Moye of G., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P., Wilson, Wyche.

A further motion was made by Mr. Moore of Stokes, to amend the resolutions, by adding the following resolution, to wit :

Resolved, That Congress has the constitutional right to distribute the proceeds of the public lands, among the several States of the Union, according to their several and respective proportions, in the general charge and expenditures, or according to Federal population.

And the question being taken thereon, it was decided in the negative—Ayes 26, Noes 34. The ayes and noes being demanded by Mr. Moore of Stokes,

Those who voted in the affirmative are, Messrs. Allison, Ballew, Bryan, Bullock, Dowd, Gambill, Harrison, Harry, Hill, Hogan, Joyner, Kendall, Little, Long, Martin, Moody, Moore of R., Moore of S., Moyer of P., Polk, Selby, Staley, Tillet, Wellborn, Williams of B., Young.

Those who voted in the negative are, Messrs. Alexander, Baker, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonston, Edwards, Exum, Fox, Gavin, Houlder, Hussey, Kerr, Lindsay, McCormick, Marsteller, Mebane, Moyer of G., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P., Wyche.

A motion was then made by Mr. Wilson to lay the resolutions on the table ; which was not agreed to—Ayes 25, Noes 35. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative, are, Messrs. Ballew, Bryan, Bullock, Dowd, Harrison, Harry, Hill, Hogan, Joyner, Kendall, Little, Long, Martin, Moody, Moorehead, Moore of R., Moore of S., Moyer of P., Polk, Selby, Staley, Tillet, Wellborn, Williams of B., Wilson, Young.

Those who voted in the negative, are, Messrs. Alexander, Allison, Baker, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonston, Exum, Fox, Gambill, Gavin, Houlder, Hussey, Kerr, Lindsay, McCormick, Marsteller, Mebane, Moyer of G., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P.; Wyche.

Before the question was taken on the third reading of the resolutions, the Senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, DECEMBER 16, 1835.

A message was sent to the House of Commons, stating that they have passed the following engrossed bills, to wit: A bill supplemental to an act passed in the year 1809, entitled an act, directing how persons injured by the erection of public Mills, shall in future proceed to recover damages ; a bill to divorce William B. Morgan of Macon county, from his wife Polly Morgan ; a bill giving further time to the Justices of the Peace for the county of Haywood, to return the lists of the taxable property of said county ; a bill making compensation to the jurors of the county of Pasquotank ; a bill to annex part of Wilkes county to the county of Ashe ; a bill to incorporate the Claremount Gold Mining Company, in the county of Mecklenburg ; and a bill to incorporate the Hope Gold Mining Company, in the county of Mecklenburg ; in which they ask the concurrence of the House of Commons.

On motion of Mr. Marsteller, ordered that Mr. Simmons have leave of absence from the service of the Senate, from and after Monday next, for the remainder of the session.

The Speaker presented to the Senate, the resignation of Blount Coleman, colonel commandant of the militia of Lenoir county ; which was read and accepted, and sent to the House of Commons.

Mr. Edmonson, from the committee on propositions and grievances, to which was referred the engrossed bill to divorce Thomas White from his wife Mahala White, reported the same without amendment ; and asked

leave to be discharged from the further consideration of the subject; whereupon, the bill was read the second time, and resolved that the same shall not pass.

Mr. Edmonson from the same committee to which was referred a bill to prevent persons residing in the State of Tennessee, and the adjoining counties in this State, from driving stock to range in the county of Yancy, reported the same without amendment, asking leave to be discharged from the further consideration of the subject; Whereupon, the said bill was read the second time, and resolved that the same shall not pass.

Mr. Edmonson from the same committee to which was referred the petition of James S. Green, of the town of Wilmington, praying the Legislature to emancipate his slave James, commonly called James Hostler, made an unfavorable report thereon, asking leave to be discharged from the further consideration of the subject; which report was concurred in, and the committee discharged accordingly.

Mr. Joyner from the committee of Internal improvements, to which was referred the memorial of William Tannehill and Benjamin A. Lavender, of the town of Washington, praying the General Assembly to give them the exclusive privilege of navigating certain portions of Tar river, in consideration of their removing the obstructions in the navigation of said river, made a favorable report thereon, accompanied by a bill to carry into effect the prayer of the petitioners, entitled a bill securing to William Tannehill, and Benjamin A. Lavender, of the town of Washington, and county of Beaufort, and those with whom they may associate, the right of navigating the waters of Pantico, and Tar river, from the town of Washington upwards, so far as they may see proper to go; with a recommendation that it be passed into a law. Whereupon, the said bill was read the first time and passed.

Mr. Joyner, from the same committee, to which was referred the memorial of sundry citizens of Onslow and Duplin counties, praying to be authorized to open and improve the navigation of Cypress Creek, made a favorable report thereon, accompanied by a bill to carry into effect the prayer of the petitioners, entitled a bill concerning the navigation of Cypress creek. Whereupon, the said bill was read the first time and passed.

Mr. Hogan, from the committee on the judiciary, to which was referred the bill to amend the revenue laws of the State, reported the same with sundry amendments, to wit: In the first section of the bill, strike out the words, "for the year 1835," and insert the words "from and after the first day of January, 1836." In the same section, after the word "counties," insert the words, "and return the same, in the same manner, and under the same rules and regulations now prescribed by law;" strike out the second clause, and insert the section marked "A," and add the two sections marked "B."

Mr. Joyner, from the committee on Internal Improvement, to which was referred the petition of E. S. Poindexter, praying the Legislature to aid him in completing a turnpike road along the valley of the Tennessee river, from the top of the Smoky Mountain, to the north of the Tuckasegee river, made a favorable report thereon, accompanied by a bill to authorize the leasing, for a term of years, of certain tracts of land acquired by treaty from the Cherokee Indians, with a recommendation that it be passed into a law. Whereupon, the said bill was read the first time and passed.

Mr. Bryan, from the joint select committee, on the resolution instructing them to enquire what legislation is requisite to carry into effect the provisions of the Constitution, as amended, whenever the same may be necessary, reported two bills to effect the object contemplated by said resolution, to wit: A bill to provide for the election of members of the General Assembly of this State, when vacancies shall occur by death, resignation, or otherwise, before the meeting of the General Assembly; and a bill prescribing the time and places for comparing the polls in the different Senatorial Districts therein named: Whereupon, the said bills were severally read the first time and passed.

Mr. Mebane submitted the following resolution, to wit: A resolution authorizing the Treasurer to transfer Bank stock to the University, and to the Literary Fund; which, on motion of Mr. Wyche, was ordered to lie on the table.

Mr. Waugh presented a resolution in favor of the widow of the late William Gilliam, deceased; which was read the first and second times and passed, and, on motion of Mr. Move of Green, ordered to be referred to the committee on claims.

Mr. Wyche presented a bill, entitled a bill to authorize the Bank of Cape Fear, and the Merchants' Bank of Newbern, to deal in any public debt, or in the stock of any corporation authorized or enacted by any law of this State. Also a bill to amend an act, entitled an act to establish a Bank in the State of North Carolina; which bills were severally read the first time and passed; and the last named bill was, on motion of Mr. Edwards, ordered to be printed.

Mr. Wellborn presented a bill, entitled a bill to reduce the county Solicitor's fees in certain cases. Also, a bill to amend two several acts of the General Assembly, passed in the year 1834, to repair, alter and amend the road leading from Holeman's ford, to the Deep Gap on the Blue Ridge; and one other act to alter and amend the road leading from the ford of the Yadkin river, commonly called Cass' ford, to the Ashe county line on the Blue Ridge; and Mr. Hogan presented a bill, entitled a bill to amend an act passed in the year 1824, entitled an act to appoint commissioners for the town of Clemons ville, in Davidson county. Whereupon, the said bills were severally read the first time and passed; and the two last named bills were severally read the second and third times, passed, and ordered to be engrossed.

On motion of Mr. Waugh, the Senate then proceeded to the orders of the day, and resumed the consideration of the unfinished business of yesterday; the question still pending on the third reading of the resolutions respecting the public domain.

Mr. Wilson moved to amend said resolutions, by the following, as additional resolutions, to wit:

Be it further resolved, That it is inexpedient, at this time, for Congress to propose any amendments to the Constitution of the United States, to the Legislatures of the several States, for the purpose of distributing the surplus proceeds of the public lands among all the States.

Resolved further, That it is inexpedient at this time, for the Legislatures of the States, to apply to Congress, to call a Convention of the States, for proposing amendments to the Constitution of the United States, for the purpose of distributing the surplus proceeds of the public lands among all the States.

Mr. Wyche called for a division of the question. Whereupon, the

question was first taken on the first branch of said resolutions, and decided in the negative—Ayes 23, Noes 39. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative are, Messrs. Bryan, Bullock, Dowd, Harrison, Hill, Hogan, Joyner, Kendall, Little, Long, Martin, Moody, Moorehead, Moore of S., Moye of G., Moye of P., Polk, Selby, Staley Tillet, Williams of B., Wilson, Young.

Those who voted in the negative are, Messrs. Alexander, Allison, Arrington, Baker, Ballew, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonston, Edwards, Exum, Fox, Gambill, Gavin, Harry, Houlder, Hussey, Kerr, Lindsay, McCormick, Marsteller, Mebane, Moore of R., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Wellborn, Whitehurst, Williams of F., Williams of P., Wyche.

The question was then taken on the second branch of said resolutions, and decided in the negative—Ayes 25, Noes 38. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative are, Messrs. Ballew, Bryan, Bullock, Dowd, Harrison, Hill, Hogan, Joyner, Kendall, Little, Long, Mebane, Moody, Moorehead, Moore of S., Moye of G., Moye of P., Polk, Selby, Staley, Tillet, Williams of B., Wilson, Wyche, Young.

Those who voted in the negative are, Messrs. Alexander, Allison, Arrington, Baker, Beasley, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonston, Edwards, Exum, Fox, Gambill, Gavin, Harry, Houlder, Hussey, Kerr, Lindsay, McCormick, Marsteller, Martin, Moore of R., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Wellborn, Whitaker, Whitehurst, Williams of F., Williams of P.

The question then recurring on the passage of the resolutions, Mr. Wellborn moved that the question be taken on each branch of the resolutions separately. Whereupon, the question was taken on the first branch, and decided unanimously in the affirmative—Ayes 63. The ayes and noes being demanded by Mr. Wellborn,

Those who voted in the affirmative are, Messrs. Alexander, Allison, Arrington, Baker, Ballew, Beasley, Brittain, Bryan, Bullock, Cooper of M., Cowper of G., Cromartie, Dowd, Edmonston, Edwards, Exum, Fox, Gambill, Gavin, Harrison, Harry, Hill, Hogan, Houlder, Hussey, Joyner, Kendall, Kerr, Lindsay, Little, Long, McCormick, Marsteller, Martin, Mebane, Moody, Moorehead, Moore of R., Moore of S., Moye of G., Moye of P., Pasteur, Patterson, Polk, Rabun, Reid, Selby, Sharpe, Simmons, Staley, Stephens, Tillet, Vann, Waugh, Wellborn, Whitaker, Whitehurst, Williams of B., Williams of F., Williams of P., Wilson, Wyche, Young.

Mr. Welborne then moved for a division of the question on the second branch of the said resolutions, the question was thereupon taken upon the first member of said branch of the resolutions, and unanimously decided in the affirmative—Ayes 63. The ayes and noes being demanded by Mr. Welborne,

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Arrington, Baker, Ballew, Beasley, Brittain, Bryan, Bullock, Cooper of M., Cowper of G., Cromartie, Dowd, Edmonson, Edwards, Exum, Fox, Gambill, Gavin, Harrison, Harry, Hill, Hogan, Houlder, Hussey, Joyner, Kendall, Kerr, Lindsay, Little, Long, McCormick, Marsteller, Martin, Mebane, Moody, Moorehead, Moore of R., Moore of S., Moye of G., Moye of P., Pasteur, Patterson, Polk, Rabun, Reid, Selby, Sharpe, Simmons, Staley, Stephens, Tillet, Vanu, Waugh, Wellborne, Whitaker, Whitehurst, Williams of B., Williams of F., Williams of P., Wilson, Wyche, Young.

The question was then taken on the last member of said branch of the resolutions, and decided in the affirmative—Ayes 36, Noes 27. The ayes and noes being demanded by Mr. Wellborne,

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Arrington, Baker, Beasley, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonson, Edwards, Exum, Fox, Gavin, Houlder, Hussey, Kerr, Lindsay, McCormick, Marsteller, Mebane, Moye of G., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P., Wyche.

Those who voted in the negative, are, Messrs. Ballew, Bryan, Bullock, Dowd, Gambill, Harrison, Harry, Hill, Hogan, Joyner, Kendall, Little, Long, Martin, Moody, Moorehead, Moore of R., Moore of S., Moye of P., Polk, Selby, Staley, Tillett, Welborne, Williams of B., Wilson, Young.

The question was then taken on the third branch of said resolutions, and decided in the affirmative—Ayes 62, Noes 1. The ayes and noes being demanded by Mr. Wellborn,

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Arrington, Baker, Ballew, Beasley, Brittain, Bryan, Bullock, Cooper of M., Cowper of G., Cromartie, Dowd, Edwards, Exum, Fox, Gambill, Gavin, Harrison, Harry, Hill, Hogan, Houlder, Hussey, Kendall, Kerr, Lindsay, Little, Long, McCormick, Marsteller, Martin, Mebane, Moody, Moorehead, Moore of R., Moore of S., Moye of G., Moye of P., Pasteur, Patterson, Polk, Rabun, Reid, Selby, Sharpe, Simmons, Staley, Stephens, Tillett, Vann, Waugh, Wellborne, Whitaker, Whitehurst, Williams of B., Williams of F., Williams of P., Wilson, Wyche, Young.

In the negative, Mr. Joyner.

A motion was made by Mr. Hogan, to lay the fourth branch of said resolutions on the table; which was not agreed to—Ayes 28, noes 35. The ayes and noes being demanded by Mr. Hogan,

Those who voted in the affirmative, are Messrs. Ballew, Beasley, Bryan, Bullock, Dowd, Harrison, Harry, Hill, Hogan, Joyner, Kendall, Little, Long, Martin, Moody, Moorehead, Moore of R., Moore of S., Moye of P., Polk, Selby, Staley, Tillett, Wellborne, Williams of B., Wilson, Wyche, Young.

Those who voted in the negative, are, Messrs. Alexander, Allison, Arrington, Baker, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonson, Edwards, Exum, Fox, Gambill, Gavin, Houlder, Hussey, Kerr, Lindsay, McCormick, Marsteller, Mebane, Moye of G., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P.

The question then recurring on the passage of said resolution, it was decided in the affirmative—Ayes 36, Noes 27. The ayes and noes being demanded by Mr. Moye of G.

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Arrington, Baker, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonson, Edwards, Exum, Fox, Gambill, Gavin, Hill, Houlder, Hussey, Kerr, Lindsay, McCormick, Marsteller, Mebane, Moye of G., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P.,

Those who voted in the negative, are, Messrs. Ballew, Beasley, Bryan, Bullock, Dowd, Harrison, Harry, Hogan, Joyner, Kendall, Little, Long, Martin, Moody, Moorehead, Moore of R., Moore of S., Moye of G., Polk, Selby, Staley, Tillett, Wellborne, Williams of B., Wilson, Wyche, Young.

The question was then taken on the last branch of said resolutions, and decided in the affirmative—Ayes 35, Noes 25. The ayes and noes being demanded by Mr. Little,

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Arrington, Baker, Beasley, Brittain, Cooper of M., Cowper of G., Cromartie, Edmonson, Edwards, Exum, Fox, Gambill, Gavin, Hill, Houlder, Hussey, Kerr, Lindsay,

McCormick, Marsteller, Mebane, Moyer of G., Pasteur, Patterson, Rabun, Reid, Sharpe, Simmons, Stephens, Vann, Waugh, Whitaker, Whitehurst, Williams of F., Williams of P., Wyche,

Those who voted in the negative, are, Messrs. Ballew, Bryan, Bullock, Dowd, Harrison, Harry, Hogan, Joyner, Kendall, Little, Long, Martin, Moody, Moorehead, Moore of R., Moore of S., Moyer of P., Polk, Selby, Staley, Tillet, Welborne, Williams of B., Wilson, Young.

Whereupon, said resolutions were ordered to be engrossed.

Received from the House of Commons, the certificate of pension of the county court of Cumberland, in favor of Marthia Spears, widow of the late John Spears, a pensioner of the State; endorsed in that House—ordered to be countersigned by the Speaker of the House of Commons; and which, on motion of Mr. McCormick, was ordered to be countersigned by the Speaker of the Senate. Also the certificate of pension of the county court of Craven, in favor of Alexander Taylor, a pensioner of the State; countersigned by the Speaker of the House of Commons; and which, on motion of Mr. Pasteur, was ordered to be countersigned by the Speaker of the Senate.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill concerning the inspection of flour in the town of Fayetteville; in which they ask the concurrence of the Senate. Whereupon, said bill was read the first time and passed, and, on motion of Mr. McCormick, ordered to lie on the table.

On motion, the Senate adjourned until 4 o'clock this evening.

WEDNESDAY EVENING, DECEMBER 16, 1835.

The following bills, to wit: A bill concerning the navigation of Cypress creek; which was amended, on motion of Mr. Hussey: a bill giving to widows, who may not dissent to their husband's wills, a distributive share of the residuum of their husband's personal estate, not given away in their wills: providing that widows, who may dissent from the probate of their husband's wills may, within six months from the probate, file their petitions in the county court for one year's provision, and for other purposes; and a bill to reduce the county Solicitor's fees in certain cases, were severally read the second and third times, passed, and ordered to be engrossed.

The bill to amend the revenue laws, was read the second time, and the amendments recommended by the committee on the judiciary, were severally concurred in; and the bill passed as amended. The bill was then read the third time. A motion was made by Mr. Hogan, to amend the bill, by inserting in the second line of the last section thereof, after the word "after," the words "the first day of January 1836;" which was agreed to. The question then recurring on the passage of the bill as amended, it was decided in the affirmative. Ordered to be engrossed.

The engrossed bill to legitimate Thomas Petit, of Surry county, heretofore laid on the table by an order of the Senate, was taken up for consideration, and read the second time. A motion was made by Mr. Edwards to amend the bill, by adding, at the end thereof, the words "from his repented father;" which was agreed to, and the bill passed as amended. The bill was then read the third time. A motion was made by Mr. Moyer of Pitt, further to amend the bill, by striking out, in the last line thereof, the words

"reputed;" which was agreed to. The question then recurring on the passage of the bill, as amended, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to alter the name of Martha Ann Screws, and to legitimate her, was taken up for consideration; read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to repeal an act passed in 1833, entitled an act directing the Judges of the superior court of Hyde county, not to take up State cases before the third day of court, was read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Cincinnati and Charleston Rail Road Company, with sundry amendments, to wit: Fill up the blank on the third page, with "Robert R. Letcher." After the word "Infants," on the 25th page, insert the amendment marked "A." In which they ask the concurrence of the Senate. Whereupon, said amendments were severally read and concurred in; and the House of Commons informed thereof by message.

The bill to authorize the Bank of Cape Fear, and Merchants' Bank of Newbern, to deal in any public debt, or in the stock of any corporation authorized or enacted by any law of this State; the bill to amend an act, entitled an act to establish a Bank in the State of North Carolina, passed in 1833-'34; the bill securing to William Tannehill and Benjamin A. Lavender, of the town of Washington, and county of Beaufort, and those with whom they may associate, the right of navigating the waters of Pamlico and Tar rivers, from the town of Washington and upwards, so far as they may see proper to go with boats propelled by steam; and the bill to authorize the leasing, for the term of eighteen years, of certain tracts of land acquired by treaty from the Cherokee Indians, were severally read the second time and passed; and on the respective motions of Mr. Wyche, Mr. Sharpe, Mr. Moyer of Pitt, and Mr. Edmonston, were severally ordered to lie on the table.

The engrossed bill to prevent the felling of timber in, or otherwise obstructing the run of Ellis' creek in Bladen county, heretofore laid on the table by an order of the Senate, was taken up for consideration; read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Conrad Gold Mining Company, with an amendment, to wit: Add the section marked "A." In which they ask the concurrence of the Senate. Whereupon, the amendment was read and concurred in; and the House of Commons informed thereof by message.

The bill concerning the revision and digest of the Statute laws of North Carolina, was read the second time, and on motion of Mr. Edmonston, ordered to lie on the table.

Mr. Hogan, from the committee on the judiciary, to which was referred the engrossed bill to regulate the practice of Hawking and peddling in this State, reported the same without amendment. Whereupon, said bill was read the second time and passed.

The bill to provide for the election of Registers in this State, when any

vacancy may hereafter arise by death, resignation or otherwise, was taken up for consideration, and, on motion of Mr. Wilson, ordered to lie on the table.

Received from the House of Commons, the resignation of Elisha Sellers, a justice of the peace for the county of Columbus; and the resignation of Nathan Sallen, a justice of the peace for the county of Johnson; endorsed, read and accepted; and which were severally read and accepted by the Senate.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to repeal an act directing the manner in which constables shall be appointed, in this State, so far as respects the counties of Hyde and Green, with an amendment, to wit: "Extend the provisions of the bill to Washington, Tyrrel, and Currituck counties." In which they ask the concurrence of the Senate. Whereupon, the amendments was concurred in, and the House of Commons informed thereof by message.

The Senate adjourned until to-morrow morning 10 o'clock.

THURSDAY, DECEMBER 17, 1835.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions to wit: A bill giving to widows, who may not dissent to their husband's wills, a distributive share of the residuum of their husband's personal estate, not given away in their wills; providing that widows who may dissent from the Probate of their husband's wills, may within six months from the Probate, file their petitions in the county court, for one years provisions, and for other purposes; a bill to reduce the county Solicitor's fees, in certain cases; a bill to amend the Revenue Laws; a bill to amend two several acts of the General Assembly, passed in 1834, to repair, alter, and amend the road leading from Holeman's Ford, to the Deep Gap on the Blue ridge; and one other act to amend and alter the road leading from the Ford of the Yadkin River, commonly called Cass's Ford, to the Ashe county line, on the Blue ridge; a bill to amend an act passed in the year 1834, entitled an act to appoint commissioners for the town of Clemmons ville, in Davidson county; a bill concerning the navigation of Cypress Creek; and resolutions concerning the public domain; in which they ask the cocurrence of that House.

On motion of Mr. Bryan, ordered, that Mr. Pasteur have leave of absence from the service of the Senate, from and after Monday next, for the remainder of the session.

Mr. Moye of Greene, from the committee on claims, to which was referred a resolution in favor of the late William Gilliam dec'd., reported the same with an amendment, to wit: strike out the whole of the original resolution after the word "resolved," and insert a substitute; whereupon the amendment was concurred in, the resolution read the third time, passed as amended, and ordered to be engrossed.

Mr. Moye of G., from the same committee, to which was referred the resolution in favor of Richard Ashton, reported the same with an amendment, to wit: fill the blank in said resolution with the word "fifty;" whereupon said amendment was concurred in, and the resolution was read the first, second and third times, passed as amended, and ordered to be engrossed.

On motion of Mr. Wilson, a message was sent to the House of Com-

mons, proposing that a balloting be had immediately for judge of the superior courts of law and equity; whereupon a message was received from that House stating their concurrence in the proposition; that Messrs. Stallings and Hammond, attend the Senate to conduct the balloting on their part, and that Wright Stanley, and Romulus M. Sanders, have been added to the nomination; thereupon Messrs. Polk and Wilson, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by Message.

Mr. Wyche presented a resolution directing the public Treasurer, to pay the Clerk of the Senate for certain acts and journals of the General Assembly, procured for the use of the Senate; which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Edmonston,

Resolved, That the committee on Finance, enquire what compensation ought to be made to Nathan A. Stedman, Comptroller, for bringing up the books of his office, up to the time of his qualification, and that they report by bill, or otherwise.

Mr. Kendall presented a bill entitled a bill to abolish the office of county Trustee, and Treasurer of public buildings in the counties therein named, which was read the first time, and passed; a motion was made by Mr. Bullock to extend the provisions of the bill to the county of Chowan; which was agreed to; whereupon, the bill was read the second time, and passed as amended; read the third time, passed, and ordered to be engrossed.

Mr. Moorehead presented a bill entitled a bill to repeal sundry acts heretofore passed, for the better regulation of the town of Greensboro', in Guilford county; which was read the first time, and passed, and on motion of Mr. Moorehead, ordered to be referred to the Committee on Propositions and Grievances.

The bill to provide for the election of members of the General Assembly of this State, when vacancies shall occur by death, resignation, or otherwise, before the meeting of the General Assembly, was read the second and third times, passed, and ordered to be engrossed.

The bill prescribing the time and places for comparing the polls in the different Senatorial Districts therein named, was read the second time, amended on the several motions of Mr. Whitehurst, Mr. Vann, Mr. Beasley, Mr. Williams of B., Mr. Hill, Mr. Martin, Mr. Kendall, Mr. Wellborn, Mr. Baker, and Mr. Edmonston, and passed as amended; the bill was then read the third time, passed, and ordered to be engrossed.

Mr. Polk from the committee appointed to conduct the balloting for a judge of the superior courts of law and equity, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

Received from the House of Commons, a message proposing that another balloting be had immediately for a judge of the superior courts of law and equity, and stating that the name of Wright C. Stanley, is withdrawn from the nomination; the proposition was concurred in. Messrs. Waugh and Marsteller, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by Message; thereupon a message was received from that House, announcing that Messrs. Howerton and Baker, are appointed to conduct the balloting on their part.

Received from the House of Commons, a message, proposing to ballot immediately for Major of Cavalry of the 19th Brigade, and stating that William M. Cole is in nomination for the appointment; the proposition was

concurring in. Messrs Staley and Tillett, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by Message; thereupon a message was received from that House announcing that Messrs. Cotten and Gee, are appointed to conduct the balloting on their part.

Mr. Joyner, from the committee on Internal Improvements, to which was referred the bill to incorporate the Raleigh and Gaston Rail Road Company, made a detailed report thereon, unfavorable to the passage of the bill, and reported the same without amendment; whereupon, the bill was read the second time.

Mr. Edmonston moved that the bill be indefinitely postponed; which motion was not agreed to; the question then recurring on the passage of the bill, it was decided in the affirmative.

Mr. Marsteller from the committee appointed to conduct the balloting for a judge of the Superior courts of law and equity, reported, that no person in nomination had received a majority of votes, in which report the Senate concurred.

Mr. Staley from the committee appointed to conduct the balloting for Major of Cavalry attached to the 18th Brigade, reported that William McColl having received a majority of votes, is duly elected; in which report the Senate concurred.

Received from the House of Commons, a message, proposing that another balloting be had immediately for a judge of the superior courts of law and equity; which proposition was concurred in. Messrs. Kerr and Hogan, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message: thereupon a message was received from that House, stating that Messrs. Hill and Hoskins, are appointed to conduct the balloting on their part.

Mr. Joyner from the committee on Internal Improvement, to which was referred the memorial of sundry citizens of Carteret county, praying the General Assembly, to obtain from the General Government, an appropriation to deepen the channel of Core Sound, and to improve the navigation thereof, made a report thereon, stating that it is a work of great importance and convenience, and of a national character; and therefore recommended the adoption of the accompanying resolutions, entitled resolutions in aid of the navigation of Core Sound; whereupon, said resolutions were read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Kerr from the committee appointed to conduct the balloting for a judge reported that Romulus M. Sanders, having received a majority of votes, is duly elected; in which report the Senate concurred.

On motion of Mr. Polk, the resolutions heretofore laid on the table, by a vote of the Senate, were taken up and considered.

Mr. Polk moved to amend the resolutions, by striking out all after the word "resolved," and inserting a substitute; but before the question was taken on said amendment,

The Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 18, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions, to wit: A bill to provide for the election of members of the General Assembly of this State,

when vacancies shall occur by death resignation or otherwise, before the meeting of the General Assembly; a bill prescribing the time and places for comparing Polls in the different Senatorial districts therein named; a bill to abolish the offices of county Trustee, and Treasurer of public buildings in the counties therein named; a resolution directing the public Treasurer to pay the Clerk of the Senate for certain acts and Journals of the General Assembly, procured for the use of the Senate; resolution in aid of the navigation of Core Sound; and a resolution in favor of the widow of the late William Gilliam dec'd.; and a resolution in favor of Richard Ashton; in which they ask the concurrence of that House.

Mr. Edmonston from the committee on Propositions and Grievances, to which was referred the bill to repeal sundry acts passed for the better regulation of the town of Greensboro', in Guilford county, reported the same without amendment; whereupon said bill was read the second and third times, passed and ordered to be engrossed.

Mr. Wyche from the committee on Finance, to which was referred the resolution in favor of the Comptroller of public accounts, reported the same without amendment, to wit:

Resolved, That the public Treasurer be authorized and directed to pay to Nathan A. Stedman, the sum of two hundred dollars, as compensation for making the necessary entries on the books of his office, up to the time of his qualification as Comptroller of the State.

Which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Waugh presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee of two, on the part of each House, to ascertain whether it be practicable to adjourn sine die, on the 21st inst.

Which was read, and on motion of Mr. Wilson, ordered to lie on the table.

Mr. Wyche presented a resolution directing the Comptroller to credit the public Treasurer, with the amount of Treasury notes burnt by the committee on Finance; which was read the first, second and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: A bill to incorporate the Lincoln Gold Mining Company; and a bill to incorporate the Craven county Rangers: In which they ask the concurrence of the Senate; whereupon, the said bills were severally read the first, second and third times, passed, and ordered to be enrolled.

The engrossed bill to regulate the practice of Hawking and Pedling in this State, was read the third time, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Raleigh and Gaston Rail Road Company, was read the third time; a motion was made by Mr. Joyner to amend the bill in the 7th line of the 12th section thereof, by inserting after the word "House," the words kitchen, yard, or Garden; which was agreed to; a motion was made by Mr. Joyner, further to amend the bill, by striking out in the 26th section thereof, after the word "estate," in the 11th line of said section; a motion was made by Mr. Joyner, further to amend the same, by striking out after the word "obstructed" in the 18th line of the 41st section, the remainder of said section; also to amend the same, by inserting after the word "crossed" in the 2nd line of the 42d section, the words "or approached by any other rail road incorporated by this State;"

also to amend the same by limiting its charter to 90 years; which amendments were severally agreed to; the question then recurring on the passage of the bill, as amended, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills to wit: A bill making an appropriation for carrying on and completing the Capitol of the State; A bill for the better regulation of the town of Newbern; a bill compelling the justices of the peace of New Hanover county, to attend the term of the county court of said county, whenever a majority of the justices of said county are required to be present; the bill to incorporate the Franklin Turnpike Company, and for other purposes; a bill directing the time of holding the court of Pleas and Quarter Sessions, in the county of Mecklenburg; a bill to alter the time of holding elections in the counties of Currituck and Camden; and a bill for the better regulation of the county courts of Lincoln; in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first, second and third times, passed, and ordered to be enrolled; except the first named bill, which was read the first time, passed; and the bill to alter the time of holding the elections in the counties of Currituck and Camden, which was read the first and second times, passed, and on motion of Mr. Waugh, ordered to lie on the table.

Received also from the House of Commons, a message, stating that they have passed the following engrossed resolution, to wit: resolution directing the employment of additional engrossing Clerks, in which they ask the concurrence of the Senate; whereupon the said resolution was read the first time, and passed, a motion was made by Mr. Edmonston to strike out the words "as many" in the third line thereof, and insert the word "two," which was not agreed to; the resolution was then read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to abolish the offices of county Trustee, and Treasurer of public buildings, in the county of Gates, Chowan and Mecklenburg, with an amendment, to wit: extend the provisions of the bill to the county of Onslow; in which they ask the concurrence of the Senate; whereupon the said amendment was concurred in, and the House of Commons was informed thereof by message.

Received also from the House of Commons, a message, stating that they recede from their disagreement, and agree to the amendment proposed to the engrossed bill, to amend an act entitled an act to establish the Newbern Bank of the town of Newbern: Ordered that said bill be enrolled.

The bill to secure to William Tannehill and Benjamin A. Lavender, of the town of Washington and county of Beaufort, and those with whom they may associate, the right of navigating the waters of Pamlico, and Tar River, from the town of Washington, upwards, so far as they may see proper to go, with boats propelled by steam, was on motion of Mr. Moye of Pitt, taken up and considered; Mr. Moye of Pitt, submitted the following amendments to the bill, to wit; in the last line but one of the 1st section of the bill, before the word "rates" insert the word "usual," and in the last line, strike out the words "now established," and at the end of the 2nd section, add a proviso marked A; which amendments were severally concurred in; and

the bill thereupon was read the third time, passed as amended, and ordered to be engrossed.

The bill to authorize the leasing, for the term of 18 years, of certain tracts of land, acquired by treaty from the Cherokee Indians, was taken up for consideration. On motion of Mr. Edmonston, read the second and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing to raise a committee of two on the part of each House, to ascertain the amount of business before the Legislature; and that they be instructed to report on to-morrow, whether the Houses of the General Assembly will be able to adjourn sine die, on the 21st of this month? Ordered, on motion of Mr. Edwards, that said message lie on the table.

Received also from the House of Commons a message, stating that they have passed the following engrossed bill and resolutions, to wit: A bill authorizing the Governor to issue a grant to James Truit, for a tract of land in the county of Macon; a resolution in favor of James Thompson, of Iredell county; and a resolution relative to the Wilmington Marine Hospital Association. Whereupon, the said bill, and the last named resolution, were severally read the first, second, and third times, passed, and ordered to be enrolled. The resolution in favor of James Thompson, of Iredell county, was read the first and second times and passed. Read the third time, and resolved that the same shall not pass.

Received from the House of Commons a message, stating that they have concurred in the amendment by the Senate, to the engrossed bill to legitimate Thomas Petit of Surry county. Ordered that said bill be enrolled.

Mr. Marsteller, from the committee on military affairs, to which were referred resolutions on the subject of the Arsenal at Raleigh, and the state of the public arms at Fayetteville; also a resolution on the subject of volunteer companies; made a report on the several subjects referred to them; accompanied by a bill, entitled a bill preventing privates, belonging to volunteer companies, from attaching themselves to any other volunteer companies. Also a resolution authorizing the Adjutant General to repair the Arsenals at Raleigh and Fayetteville. Whereupon, said bill was read the first time and passed. Read the second time, and on motion of Mr. Marsteller, ordered to be indefinitely postponed; and said resolution was read the first, second, and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill providing compensation to the Sheriffs of the several counties in this State, for making returns of the votes given in at the late election for the adoption or rejection of the proposed amendments to the Constitution; with an amendment, to wit: Add to the bill the proviso marked "A." In which they ask the concurrence of the Senate. Whereupon, said amendment was read and disagreed to, and a message sent to the House of Commons, stating the disagreement of the Senate to said amendment.

On motion of Mr. Wilson, the Senate then proceeded to consider the resolutions on the subject of incendiary publications; the question still pending on Mr. Polk's amendment to strike out the whole of the original resolutions, after the word "Resolved," and insert a substitute.

Before the question was taken thereon, the Senate adjourned until 4 o'clock this evening.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to alter the name of Haywood Waterer, and to legitimate him; a bill to prevent frauds upon the revenue in the assessment of lands for taxation in Yancy county. In which they ask the concurrence of the Senate. Whereupon, the said bills were read the first time and passed. The first named bill was amended, on Mr. Little's motion, in the 13th line of the 1st section thereof, by striking out the word "manner," and inserting the words "from his father Nathaniel Walters." The second named bill was also amended, on motion of Mr. Little, in the 16th line of the 1st section thereof, by striking out the word "usual," and inserting the word "reasonable." The said bills were then read the second time, and passed as amended. Read the third time and passed; and a message was sent to the House of Commons, asking their concurrence in said amendments.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to repeal an act relative to hands working on roads in the counties of Burke and Buncombe; a bill to amend an act, entitled an act to incorporate the town of Stantonsburgh, in the county of Edgecombe; a bill to amend an act, entitled an act to incorporate the Mattamuskeet canal and Rosebay Turnpike Company, passed at the last session. In which they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first, second and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, with which was transmitted the annual report of the Cape Fear, Pedee and Yadkin Rail Road Company.

The Senate then resumed the consideration of the resolutions on the subject of incendiary publications; the question still pending on Mr. Polk's amendment.

Mr. Wilson called for a division of the question; and thereupon, the question was first taken on striking out the whole of the original resolutions, after the word "resolved," and decided in the affirmative—Ayes 44, Noes 17. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative are, Messrs Alexander, Allison, Arrington, Baker, Ballew, Beasley, Bryan, Bullock, Cromartie, Dowd, Exum, Harrison, Harry, Hill, Hogan, Houlder, Joyner, Kendall, Lindsey, Little, Long, McCormick, Marsteller, Martin, Mebane, Moody, Moorehead, Moore of R., Moore of S., Moyer of G., Moyer of P., Pasteur, Reid, Selby, Tillet, Vann, Waugh, Wellborn, Whitehurst, Williams of B., Williams of F., Wilson, Wyche, Young.

Those who voted in the negative are, Messrs. Brittain, Cooper of M., Cowper of G., Edmonson, Edwards, Fox, Gambill, Gavin, Hussey, Kerr, Patterson, Rabun, Sharpe, Staley, Stephens, Whitaker, Williams of P.

The question then recurring on inserting the resolutions, offered as a substitute, Mr. Wilson called for a division of the question; whereupon, the question was taken on the first branch of said resolutions. It was decided in the affirmative—Ayes 61. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative, are, Messrs Alexander, Allison, Arrington, Baker, Ballew, Beasley, Brittain, Bryan, Bullock, Cooper of M., Cowper of G., Cromartie, Dowd, Edmonson, Edwards, Exum, Fox, Gambill, Gavin, Harrison, Harry, Hill, Hogan, Houlder, Hussey, Joyner, Kendall, Kerr, Lindsay, Little, Long, McCormick, Marsteller, Martin, Mebane, Moody, Morehead, Moore of R., Moore of S., Moyer of G., Moyer of P., Pasteur, Patterson, Rabun, Reid, Selby, Sharpe, Staley, Stephens, Tillet, Vann, Waugh, Wellborn, Whitaker, Whitehurst, Williams of B., Williams of F., Williams of P., Wilson, Wyche, Young.

The question was then taken on the second branch of said resolutions, and decided in the affirmative—Ayes 45, Noes 16. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative are, Messrs. Alexander, Arrington, Ballew, Beasley, Bryan, Bullock, Cooper of M., Cowper of G., Cromartie, Dowd, Exum, Harrison, Harry, Hill, Hogan, Houlder, Joyner, Kendall, Lindsey, Little, Long, McCormick, Marsteller, Martin, Mebane, Moody, Moorehead Moore of R., Moore of S., Moyer of G., Moyer of P., Pasteur, Reid, Selby, Staley, Tillet, Waugh, Wellborn, Whitaker, Whitehurst, Williams of B., Williams of F., Wilson Wyche, Young.

Those who voted in the negative, are, Messrs. Allison, Baker, Brittain, Edmonston, Edwards, Fox, Gambill, Gavin, Hussey, Kerr, Patterson, Rabun, Sharpe, Stephens, Vann, Williams of P.

A motion was made by Mr Fox to amend said amendment by the following, as a substitute for the third and fourth branches thereof, to wit :

Resolved, That notwithstanding the strong and gratifying evidence, that the great body of our Northern brethren recognize our rights, and that they indignantly frown on the fanatical proceedings of the abolitionists; yet we can assure them, that by passing such laws and regulations, as will effectually suppress, and prevent the circulating of incendiary publications, they will contribute more towards allaying the present unpleasant feeling of the South, than all their sympathies can otherwise effect.

Mr. Wilson called for a division of the question on said amendment to the amendment; whereupon the question was first taken on striking out the third and fourth resolutions, and decided in the negative—Ayes 11, Noes 51. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative, are Messrs. Edmonston, Edwards, Exum, Fox, Gavin, Hussey, Moyer of G., Patterson, Sharpe, Staley, Stephens.

Those who voted in the negative, are, Messrs. Alexander, Allison, Arrington, Baker, Ballew, Beasley, Brittain, Bryan, Bullock, Cooper, Cowper, Cromartie, Dowd, Gambill, Harrison, Harry, Hill, Hogan, Houlder, Joyner, Kendall, Kerr, Lindsay, Little, Long, M'Cormick, Marsteller, Martin, Mebane, Moody, Moorehead, Moore of R., Moore of S., Moyer of S., Moyer of P., Pasteur, Rabun, Reid, Selby, Simmons, Tillet, Vann, Waugh, Welborn, Whitaker, Whitehurst, Williams of B., Williams of F., Williams of P., Wilson, Wyche, Young.

The question was then taken on the third branch of said resolutions, and decided unanimously in the affirmative—Ayes 61. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Arrington, Baker, Ballew, Beasley, Brittain, Bryan, Bullock, Cooper of M., Cowper of G., Cromartie, Dowd, Edmonston, Edwards, Exum, Fox, Gambill, Gavin, Harrison, Harry, Hill, Hogan, Houlder, Hussey, Joyner, Kendall, Kerr, Lindsay, Little, Long, McCormick, Marsteller, Martin, Mebane, Moody, Moorehead, Moore of R., Moore of S., Moyer of G., Moyer of P., Pasteur, Patterson, Rabun, Reid, Selby, Sharpe, Simmons, Staley, Stephens, Tillet, Vann, Waugh, Wellborn, Whitaker, Whitehurst, Williams of B., Williams of F., Williams of P., Wilson, Wyche, Young.

The question was then taken on the 4th branch of said resolution, and decided in the affirmative—Ayes 55, Noes 7. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Arrington, Baker, Ballew, Beasley, Brittain, Bryan, Bullock, Cooper of M., Cowper of G., Cromartie, Dowd, Exum, Gambill, Gavin, Harrison, Harry, Hill, Hogan, Houlder, Hussey, Joyner, Kendall, Kerr, Lindsay, Little, Long, M'Cormick, Marsteller, Martin, Mebane, Moody, Moorehead, Moore of R., Moore of S., Moyer of G., Moyer of P., Pasteur, Rabun, Reid, Selby, Simmons, Staley, Tillet, Vann, Wellborn, Whitaker, Whitehurst, Williams of B., Williams of F., Williams of P., Wilson, Wyche, Young.

Those who voted in the negative, are, Messrs. Edmonson, Edwards, Fox, Patterson, Sharpe, Stephens, Waugh.

Mr. Fox moved to amend the amendment in the 5th line of the 5th branch of the resolutions, by inserting after the word "district," the words, "without the consent of their owners;" which amendment was not agreed to—Ayes 11, noes 51. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative are, Messrs. Edwards, Exum, Fox, Gambill, Hussey, Kerr, Patterson, Rabun, Staley, Stephens, Waugh.

Those who voted in the negative are, Messrs. Alexander, Allison, Arrington, Baker, Ballew, Beasley, Brittain, Bryan, Bullock, Cooper of M., Cowper of G., Cromartie, Dowd, Edmonston, Gavin, Harrison, Harry, Hill, Hogan, Houlder, Joyner Kendall, Lindsay, Little, Long, McCormick, Marsteller, Martin, Mebane, Moody, Morehead, Moore of R., Moore of S., Moye of G., Moye of P., Pasteur, Reid, Selby, Sharpe, Simmons, Tillett, Vann, Wellborn, Whitaker, Whitehurst, Williams of B., Williams of F., Williams of P. Wilson, Wyche, Young.

The question was then taken on the 5th branch of said resolutions, and decided in the affirmative—Ayes 54, Noes 8. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative are, Messrs. Alexander, Allison, Arrington, Baker, Ballew, Beasley, Brittain, Bryan, Bullock, Cooper of M., Cowper of G., Cromartie, Dowd, Exum, Gavin, Harrison, Harry, Hill, Hogan, Houlder, Joyner, Kendall, Lindsay, Little, Long, McCormick, Marsteller, Martin, Mebane, Moody, Moorehead, Moore of R., Moore of S., Moye of G., Moye of P., Pasteur, Patterson, Rabun, Reid, Selby, Simmons, Stephens, Tillett, Vann, Waugh, Wellborn, Whitaker, Whitehurst, Williams of B., Williams of F., Williams of P., Wilson, Wyche, Young.

Those who voted in the negative, are Messrs. Edmonston, Edwards, Fox, Gambill, Hussey, Kerr, Sharpe, Staley.

The question was then taken on the 6th branch of said resolutions, and decided in the affirmative—Ayes 62. The ayes and noes being demanded by Mr. Wilson,

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Arrington, Baker, Ballew, Beasley, Brittain, Bryan, Bullock, Cooper of M., Cowper of G., Cromartie, Dowd, Edmonston, Edwards, Exum, Fox, Gambill, Gavin, Harrison, Harry, Hill, Hogan, Houlder, Hussey, Joyner, Kendall, Kerr, Lindsay, Little, Long, McCormick, Marsteller, Martin, Mebane, Moody, Moorehead, Moore of R., Moore of S., Moye of G., Moye of P., Pasteur, Patterson, Rabun, Reid, Selby, Sharpe, Simmons, Staley, Stephens, Tillett, Vann, Waugh, Wellborn, Whitaker, Whitehurst, Williams of B., Williams of F., Williams of P., Wilson, Wyche, Young.

The question then recurring on the passage of the resolutions as amended, it was decided in the affirmative; whereupon said resolutions were read the third time, passed, and ordered to be engrossed.

Received from the House of Commons, a message stating that they have passed the following engrossed bills, to wit: A bill to incorporate the Raleigh and Fayetteville Rail Road Company; and a bill to incorporate the Roanoke, Danville and Junction Rail Road Company, and to re enact with certain alterations, the act to incorporate the Roanoke and Yadkin Rail Road Company, passed in the year 1833; in which they ask the concurrence of the Senate; whereupon, the first named bill was read the first, second and third times, passed, and ordered to be enrolled; and the last named bill was read the first time, and passed.

Received from the House of Commons, the resignation of James Leath-

ers, a justice of the peace for the county of Orange; also the resignation of John J. G. Hightower, as Major of the Regiment of Buncombe Militia; endorsed, read and accepted, and which were severally read and accepted by the Senate.

The Senate then adjourned until to-morrow morning 10 o'clock.

SATURDAY, DECEMBER 19, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions, to wit: A bill securing to William Taunehill and Benjamin A. Lavender, of the town of Washington and county of Beaufort, and those with whom they may associate, the right of navigating the waters of Pamlico and Tar rivers, from the town of Washington and upwards, so far as they may see proper to go, with boats propelled by steam; a bill to repeal certain acts, heretofore passed, for the better regulation of the town of Greensborough, in Guilford county; resolution directing the Comptroller to credit the public Treasurer with the amount of Treasury notes burnt by the Committee of Finance; resolution authorizing the Adjutant General to repair the Arsenals at Raleigh and Fayetteville; resolution in favor of the public Treasurer; and a preamble and resolution on the subject of incendiary publications. In which they ask the concurrence of the House of Commons.

On motion of Mr. Marsteller, and Mr. Wyche, ordered that Mr. Hussey, Mr. Cromartie, Mr. Patterson, and Mr. Edwards, have leave of absence from the service of the Senate, from and after Monday next, for the remainder of the session.

Mr. Wyche presented a resolution, authorizing the Public Treasurer to borrow money on behalf of the State, if the same should be necessary; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Joynor presented a resolution in favor of Elizabeth C. Grant; which was read the first time and passed. The resolution was then read the second time, and resolved that the same shall not pass.

Mr. Britain presented a bill entitled a bill relating to the Cavalry of Macon county; which was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Cowper, the bill to provide for the election of Registers in this State, when any vacancy may hereafter arise by reason of death, resignation, or otherwise, was taken up for consideration, and read the second and third times, passed, and ordered to be engrossed.

On motion of Mr. Marsteller, the bill to alter the time of holding the elections in the counties of Currituck and Camden, was taken up for consideration. Read the second time; amended, on motion of Mr. Lindsay, in the 4th line of the 2d section thereof, by striking out the word "Friday," and inserting the word "Thursday;" passed as amended; read the third time, passed, and ordered to be engrossed.

On motion of Mr. Staley, the engrossed bill concerning inspection of flour in the town of Fayetteville, was taken up for consideration, and read the second time. Mr. McCormick moved that the bill be indefinitely postponed; which motion was not agreed to. The question then recurring on the passage of the bill, it was decided in the affirmative. The bill was then read the third time, passed, and ordered to be enrolled.

On motion of Mr. Arrington, ordered that Mr. Mebane have leave of absence from the service of the Senate, from and after to-morrow, for the remainder of the session.

The engrossed bill, making an appropriation for carrying on and completing the capitol of the State, was read the second and third times, passed, and ordered to be enrolled.

On motion of Mr. Hogan, the bill to amend an act, entitled an act to establish a Bank in the State of North Carolina, was taken up for consideration, and read the second time. A motion was made by Mr. Edwards to amend the same, by striking out, in the fourth line of the third section, after the word "debt," the words "or in the stock of any corporation;" which amendment was agreed to.

The question then recurring on the passage of the bill, as amended, it was decided in the affirmative—Ayes 39, Noes 20. The ayes and noes being demanded by Mr. Moye of G.,

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Baker, Beasley, Bryan, Bullock, Cooper, Cromartie, Dowd, Fox, Gambill, Gavin, Harrison, Harry, Hill, Hogan, Joyner, Kendall, Kerr, Little, Long, Marsteller, Martin, Morehead, Moore of S., Pasteur, Patterson, Polk, Rabun, Selby, Staley, Stephens, Tillet, Waugh, Wellborn, Williams of B., Williams of P., Wyche, Young

Those who voted in the negative are, Messrs. Arrington, Ballew, Brittain, Cowper, Edmonston, Edwards, Exum, Houlder, Hussey, Lindsay, McCormick, Mebane, Moore of R., Moye of G., Moye of P., Reid, Sharpe, Vann, Whitaker, Williams of F.

The bill was then read the third time, passed, and ordered to be engrossed.

The bill to authorize the Bank of Cape Fear, and the Merchants' Bank of Newbern, to deal in the public debt, or in the stock of any corporation authorized or created by any law of this State, was taken up for consideration, on motion of Mr. Wyche, and read the second time. Mr. Wyche moved to amend the bill, by striking out, in the sixth and seventh lines of the first section thereof, after the word "debt," the words "and the stock of any corporation." Mr. Wyche also offered a similar amendment to the bill, "in the 5th line of the second section thereof;" which amendments were severally agreed to, and the bill passed as amended. Read the third time, passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution relating to engrossing clerks: in which they ask the concurrence of the Senate. Whereupon, said resolution was read the first, second and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating their agreement to the 1st and 4th amendments proposed by the Senate, to the engrossed bill to incorporate the Raleigh and Gaston Rail Road Company; but do not agree to the 2d and 3d amendments.

Mr. Wyche moved that the Senate do now recede from their second amendment; and the question being taken on said motion, it was decided in the negative—Ayes 27, Noes 31. The ayes and noes being demanded by Mr. Joyner,

Those who voted in the affirmative are, Messrs. Allison, Brittain, Bryan, Cromartie, Edwards, Fox, Gambill, Hogan, Hussey, Kerr, Little, Long, Marsteller, Moody, Moorehead, Moore of R., Moore of S., Pasteur, Patterson, Polk, Reid, Staley, Stephens, Vann, Waugh, Williams of B., Wyche.

Those who voted in the negative are, Messrs. Alexander, Arrington, Ballew, Beasley, Bullock, Cooper, Cowper, Dowd, Edmonson, Exum, Gavin, Harry, Hill, Houlder, Joyner, Kendall, Lindsey, McCormick, Martin, Mebane, Moye of G., Moye of P., Selby, Sharpe, Tillet, Wellborn, Whitehurst, Williams of B., Williams of F., Wilson, Young.

Mr. Wyche then moved that the Senate do recede from their third amendment to said bill; which motion was not agreed to; and thereupon, on motion of Mr. Joyner, a message was sent to the House of Commons; insisting on their 2d and 3d amendments to said bill.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolution, to wit: A bill to incorporate the Milton and Salisbury Rail Road Company; a bill to establish Hookerton Academy, in the county of Greene, and to incorporate the trustees thereof; and resolutions directing an exchange of the Supreme court reports. In which, they ask the concurrence of the Senate. Whereupon, said bills and resolution were severally read the first, second and third times, passed, and ordered to be enrolled.

On motion of Mr. Wilson, ordered that Mr. Bullock have leave of absence from the service of the Senate, from and after to-day, for the remainder of the session.

On motion of Mr. Wyche, ordered, that the rule of the Senate requiring public bills to be read but once on the same day, be suspended for the remainder of the session.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: a bill for the better regulation of the county courts of Brunswick; a bill relating to the patrol in Camden county; and a bill concerning the patrol in the counties therein named; in which, they ask the concurrence of the Senate. Whereupon, the said bills were severally read the first time and passed. The first named bill was read the second and third times, passed, and ordered to be engrossed. The second named bill was read the second time, and on motion of Mr. Tillett, ordered to lie on the table. The last named bill was read the second time, amended, on motion of Mr. Bryan, by extending its provisions to the county of Lenoir; and, on motion of Mr. Cooper, by extending its provisions to the county of Martin—passed as amended. The bill was then read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to incorporate the Roanoke, Danville, and Junction Rail Road Company; and to re-enact, with certain alterations, the act to incorporate the Roanoke and Yadkin Rail Road Company, passed in the year 1833, was read the second time. Mr. Morehead submitted the following amendments to said bill, to wit: In the 10th line of the last section, after the word "Road," strike out the words, "the construction whereof is herein before provided for." In the 12th line of the same section, after the word "Company," insert the following words, to wit: "Or any other Rail Road which may be constructed by any company, hereafter incorporated." Strike out all in the caption of the bill, after the word "Company," in the second line. Which amendments were severally concurred in, and the bill passed as amended. The bill was then read the third time, passed, and ordered that a message be sent to the House of Commons, asking their concurrence in said amendments.

Mr. Edwards presented a resolution in favor of the door-keepers; which was read the first, second and third times, passed, and ordered to be engrossed.

The Senate then adjourned until half past three o'clock this evening.

SATURDAY EVENING, DECEMBER 19, 1835.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate: A bill to alter the name of Simon Davis, and to legitimate him; a bill to divorce Thomas Roberts; a bill to divorce Tempe Hall; a bill to alter the name of James Atlas Marks, and to legitimate him; a bill to repeal an act, entitled an act concerning the town of Ashville in Buncombe county, passed in the year 1822; a bill to repeal an act passed in the year 1829, entitled an act concerning the first regiment of militia of Stokes county, and for other purposes; a bill relating to the duty of the Sheriff of Chatham county. Whereupon, the said bills were severally read the first, second and third times, passed, and ordered to be enrolled; except the bill to divorce Tempe Hall; which was read the second time, and resolved that the same shall not pass. On the second reading of the bill to divorce Thomas Roberts, the ayes and noes were—Ayes 27, Noes 18; and were demanded by Mr. McCormick,

Those who voted in the affirmative, are, Messrs. Allison, Arrington, Baker, Ballew, Britain, Cooper of M., Edmonson, Edwards, Fox, Gambill, Harrison, Harry, Lindsay, Marsteller, Martin, Moore of S., Moye of P., Pasteur, Rabun, Selby, Sharpe, Staley, Tillett, Wellborne, Williams of F., Williams of P., Young.

Those who voted in the negative, are, Messrs. Alexander, Beasley, Bryan, Hill, Hogan, Houlder, Joyner, Kendall, Little, McCormick, Moorehead, Moore of R., Moye of G., Reid, Stephens, Waugh, Wilson, Wyche.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions, to wit: A bill to amend an act entitled an act to establish a bank in the State of North Carolina, passed in the year 1833—4; a bill to authorize the bank of Cape Fear, and Merchants bank of Newbern, to deal in any public debt, authorized or created by any law of this State; a bill to authorize the leasing for a term of eighteen years, of certain tracts of land acquired by treaty from the Cherokee Indians; a bill to provide for the election of Registers in this State, when any vacancy may hereafter arise by reason of death, resignation, or otherwise; a bill relating to the Cavalry of Macon county; Resolution authorizing the public Treasurer to borrow money on behalf of the state, if the same should be necessary; and a resolution in favor of the doorkeepers; in which they ask the concurrence of that House.

Mr. Joyner presented a resolution in favor of the administrators of James Grant, which was read the first and second times, amended on motion of Mr. Marsteller, by striking out the word administrator in the second line thereof, and inserting the word "widow," and passed as amended; the resolution was then read the third time, passed and ordered to be engrossed.

On motion of Mr. Edwards, ordered that Mr. Waugh have leave of absence from the service of the Senate from and after Monday next, for the remainder of the session.

On motion of Mr. Hill, the bill to suppress more effectually the vice of gaming in this State, was taken up and considered, and read the second time; Mr. Bryan moved to amend the bill by striking out in the 4th line of the 1st section, the words "so much of;" and Mr. Little moved further to amend the bill by striking out in the 15 and 16 lines of the second section thereof, the words "except such as are now denominated Billiard tables;" which amendments were severally concurred in, and the bill passed as

amended; the bill was then read the third time, and passed, and a message sent to the House of Commons, asking their concurrence in said amendments.

On motion of Mr. Hogan, ordered that Mr. Fox have leave of absence from the service of the House, from and after Monday next, for the remainder of the Session.

The bill to amend an act passed in 1830, entitled an act for the better regulation of the Patrol, was read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit: A bill to incorporate the Episcopal School of North Carolina; a bill to abolish the office of county Trustee in the county of Bladen; in which they ask the concurrence of the Senate; whereupon the said bills were read the first time and passed; the first named bill was then read the second time; Mr. Allison moved to amend the bill by limiting the amount of property to be held by said company, to fifty thousand dollars; which amendment was not agreed to; the question recurring on the passage of the bill, it was decided in the affirmative; read the third time, passed, and ordered to be enrolled; the last named bill was on motion of Mr. Marsteller, ordered to lie on the table.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills to wit; a bill to amend an act passed in 1829, chapter 57, entitled an act to authorize the court of Pleas and Quarter Sessions of Burke county, to appoint commissioners to view and lay off a Turnpike road from the Lincoln line to Jacob Mull's Mills, passing thro' the Laurel Gap of the South Mountain, and for other purposes; a bill to amend an act passed at the last session, entitled an act to establish the town of Leachville in Beaufort county, and to appoint commissioners thereof; a bill to prevent the felling of timber in or otherwise obstructing the run of Trumbull creek, in Bladen county; a bill to amend an act passed in the year 1824, entitled an act to establish a poor and work house, in the counties of Jones and Randolph; a bill to incorporate the South Buffaloe Gold Mining Company; a bill to establish Conetoe academy in the county of Edgecombe; a bill to amend the Militia laws for the encouragement of volunteer companies, in the county of Mecklenburg; a bill to alter the name of, and legitimate William W. Eason, of the county of Edgecombe; a bill to alter and amend an act passed in 1834, chapter 124, entitled an act appointing commissioners to lay off a road from Morganton in Burke county, by Barnesville and Barnets' station to the Tennessee line; a bill amendatory of an act relating to the town of Lawrenceville in Montgomery county; a bill to prevent fire hunting in the night time, in Hyde county; and a bill to divorce Esther E. Nelson; in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first, second and third times, passed and ordered to be enrolled.

Received also from the House of Commons, a Message stating that they have passed the following engrossed bills and resolutions, to wit: A bill directing the number of jurors hereafter to be drawn in the county of Chatham; a bill to give further time for paying in entry money; a bill directing the entry taker of Yancy county to issue warrants in certain cases; resolution providing a residence for the Governor, and appropriating 450 dollars for that purpose; resolution in favor of Mark H. Hill; and a resolution re-

lating to Cherokee lands; in which they ask the concurrence of the Senate; whereupon, the said bills and resolutions were severally read the first, second and third times, passed and ordered to be enrolled.

Received also from the House of Commons, a message, stating that they have passed the following engrossed bills and resolutions, to wit: A bill to incorporate the American Gold Mining Company in Mecklenburg county; a bill to amend in part, an act passed in the year 1834, entitled an act concerning a public road leading from Columbia in Tyrel county to Plymouth; a bill to emancipate Delia; a bill to authorize the laying out and establishing a Turnpike road from the South Carolina line, at some point near the Block house in Rutherford county, to Cain Creek Bridge in Buncombe county; a bill to amend an act passed in 1830, concerning the county court of Rowan; a bill to emancipate Lucy Ann, Emeline, and Priscilla of Cumberland county; a bill authorizing the making a Turnpike road in Haywood county, and incorporating a company for that purpose; resolution in favor of James G. Stockard; and a resolution in favor of John Cooper of Rutherford county; in which they ask the concurrence of the Senate; whereupon the first, fourth, fifth, sixth, and seventh named bills, and the resolutions were severally read the first, second and third times, passed, and ordered to be enrolled; the second named bill was read the first time, and passed; read the second time, and resolved that the same shall not pass; the third named bill was read the first time and passed, read the second time, amended on motion of Mr. Little, by extending its provisions to Nelson, a slave, the property of Betsy Mallett; and resolved that the same shall not pass; whereupon a message was sent to the House of Commons informing them of the rejection of said bills.

Received also from the House of Commons, a message, stating that they have passed the following engrossed bills, to wit; A bill for the relief of sick and disabled seamen; a bill concerning the probate of wills made out of the State, and registration of deeds and powers of attorney executed in foreign countries; a bill to declare and amend the law respecting public jails in certain cases; a bill to amend an act passed at Hillsboro' in the year 1784, so far as respects the listing of taxable property within this State; a bill to amend an act entitled an act to provide for the punishment of accessories to felonies, in certain cases, passed in the year 1797; a bill making it the duty of the Governor to convey to the justices of Haywood county court, certain lands therein described; in which they ask the concurrence of the Senate; whereupon the bill to declare and amend the law respecting public jails in certain cases, and the bill concerning the probate of wills made out of the State, and the registration of deeds and powers of attorney, executed in foreign countries, were severally read the first, second and third times, passed and ordered to be enrolled.

The bill making it the duty of the Governor to convey to the justices of Haywood county court, certain lands, therein described, was read the first time, and passed; read the third time, and passed; and on motion of Mr. Hill, ordered to be postponed indefinitely.

Received from the House of Commons, a message stating that they insist on their disagreement to the amendment proposed by the Senate to the bill incorporating the Raleigh and Gaston Rail Road Company, and proposing a conference; which proposition was concurred in; whereupon, on motion of Mr. Hogan, Messrs. Hogan, Wyche and Joyner, were appoint-

ed to form the committee of conference on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons, a message, stating that they have passed the following engrossed resolutions, to wit: Resolution in favor of Matthew Miller; and a resolution in favor of James C. Turrentine; in which they ask the concurrence of the Senate; whereupon, the first named resolution was read the first, second and third times, passed, and ordered to be enrolled.

The last named resolution was read the first time, and passed, read the second time, and resolved, that the same shall not pass; but was subsequently reconsidered on motion of Mr. Bryan, read the second and third times, passed, and ordered to be enrolled.

The Senate then adjourned until Monday morning 10 o'clock.

MONDAY, DECEMBER 21, 1835.

A message was sent to the House of Commons, stating that the Senate has passed the engrossed resolution in favor of the widow of James Grant; in which they ask the concurrence of that House.

Mr. Wyche presented a bill entitled a bill concerning the board of Internal Improvement, which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Bryan presented a bill entitled a bill to prevent obstructions in the navigation of the waters of Carteret county; and to appoint commissioners of navigation in said county; which was read the first, second and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating their concurrence in the amendment proposed by the Senate to the engrossed bill to alter the time of holding the elections in the counties of Currituck and Camden, ordered that said bill be enrolled.

Received also from the House of Commons, a message, stating their concurrence in the amendment proposed by the Senate, to the engrossed bill concerning the Patrol in the counties therein named, ordered that said bill be enrolled.

Received also from the House of Commons, a message, stating that they have concurred in the amendment proposed by the Senate, to the bill to prevent fraud in the assessment of land for taxation in Yancy county; also, in the amendments proposed by the Senate to the engrossed bill to incorporate the Roanoke, Danville and Junction Rail Road Company; also, in the amendment proposed by the Senate to the engrossed bill to alter the name of Haywood Waterer, and to legitimate him, ordered that said bill be enrolled.

Received also from the House of Commons, a message, stating that they insist upon their amendment to the engrossed bill providing compensation to the Sheriffs of the several counties of this State for making their returns of the votes given in at the late election for adoption or rejection of the proposed amendments to the constitution; whereupon on motion of Mr. Wyche, a message was sent to the House of Commons, informing them that the Senate have receded from their amendment to said bill.

A message was sent to the House, stating that the Senate has passed the engrossed bill concerning the board for Internal Improvement; in which they ask the concurrence of that House.

Mr. Moore of Stokes, moved to reconsider the engrossed bill, making it the duty of the Governor to convey to the justices of Haywood county court, certain lands therein described; and on the question, will the Senate reconsider said bill? it was decided in the affirmative; whereupon said bill was read the second and third times, passed and ordered to be enrolled.

A message was sent to the House of Commons, stating that the Senate has passed the engrossed bill to prevent obstructions in the navigation of the waters of Carteret county, and to appoint commissioners of navigation, in said county; in which they ask the concurrence of that House.

Mr. Marsteller moved to reconsider the engrossed bill to emancipate Delia, a slave; and on the question, will the Senate reconsider said bill? it was decided in the affirmative; whereupon the said bill was read the second time, and passed, as amended; read the third time, and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Mr. Waugh moved to reconsider the bill to divorce Tempè Hall; and on the question, will the Senate reconsider said bill? it was decided in the affirmative; whereupon said bill was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill for the relief of sick and disabled American seamen, was read the first, second and third times, passed and ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed the following engrossed bills and resolutions, to wit; a bill granting further time for revising and digesting the public statute laws; a bill to amend the several acts heretofore passed to vest the right of electing sheriffs with free white men of this State, and to direct the mode of their qualification when elected; a bill declaratory of the duty of entry takers, in certain cases; a bill to alter in part the dividing line between the counties of Surry and Rowan; resolution directing the sale of dredging machines: resolution for contingent expenses; and a resolution in favor of Daniel L. Barringer; in which they ask the concurrence of the Senate; whereupon the resolutions were severally read the first, second and third times, passed, and ordered to be enrolled. The first and second named bills were read the first and second times, passed, and ordered to lie on the table; the first on the motion of Mr. Waugh, and the second on motion of Mr. McCormick. The bill declaratory of the duties of entry takers in certain cases, was read the first second and third times, passed, and ordered to be enrolled.

The bill to alter in part the dividing line, between the counties of Surry and Rowan, was read the first and second times, amended on motion of Mr. Waugh, by striking out in the 14th line of the bill, the word "Rowan," and inserting in lieu thereof, the words, "and that part of Rowan," passed, as amended, read the third time and ordered to be enrolled.

Mr. Hogan from the committee of conference, to which was referred the disagreeing votes of the two Houses on the amendments to the bill to incorporate the Raleigh and Gaston Rail Road Company, made a report thereon, recommending that the Senate do recede from its amendment marked B.; that the amendment marked E, be added at the end of the 25th section; they further recommend that the House of Commons do recede from their amendment marked C.; in which report the Senate concurred, and the House of Commons was informed thereof by message.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill more effectually to suppress the vice of gaming in this State.

The engrossed bill to amend an act entitled, to provide for the punishment of accessories to felonies in certain cases, passed in the year 1797; was read the first and second times, and passed, read the third time, and on motion of Mr. Edwards, ordered to lie on the table; subsequently taken up for consideration, on motion of Mr. Little, and ordered, on motion of Mr. Edwards to be postponed indefinitely.

The engrossed bill to amend an act passed at Hillsboro', in the year 1784, so far as it respects the listing of taxable property in this State, was read the first and second times, and passed, read the third time, and on motion of Mr. Moorehead, ordered to be postponed indefinitely.

On motion of Mr. Bryan, the bill granting further time for revising and digesting the public statute laws, was taken up for consideration, and read the second time; a motion was made by Mr. Edwards, to amend the bill by striking out the second and third sections thereof; which motion was agreed to—Ayes 26, Noes 25. The ayes and noes being demanded by Mr. Waugh,

Those who voted in the affirmative, are, Messrs. Alexander, Allison, Arrington, Baker, Beasley, Cooper of M., Cowper of G., Edmonston, Edwards, Exum, Fox, Gambill, Gavin, Houlder, Hussey, Kerr, Marsteller, Rabun, Reid, Sharpe, Stephens, Tillet, Vann, Waugh, Williams of F., Williams of P.

Those who voted in the negative are Messrs. Ballew, Bryan Dowd, Harrison, Harry, Hill, Hogan, Joyner, Kendall, Lindsay, Little, M'Cormick, M'Queen, Martin, Moorehead, Moore of R., Moore of S., Polk, Selby, Wellborn, Whitehurst, Williams of B., Wilson, Wyche, Young.

The bill was then passed as amended, read the third time, passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to authorize the trustees of Williams' church in the county of Martin, to hold and possess one acre of land, on which said church is situated, with an amendment to wit: add the section marked A.; in which they ask the concurrence of the Senate: whereupon said amendment was concurred in, and the House of Commons informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the engrossed bill, authorizing and requiring the commanding officers of militia, attached to the 30th, 31st, and 68th regiments of militia, to muster their respective companies, once in three months, with the following amendments, to wit: Strike out "68," and insert "49," in the 5th line: After the word "militia," in the 6th line, insert "and of the militia of Mecklenburg, Cabarrus, and Rowan counties." In which, they ask the concurrence of the Senate. Whereupon, said amendments were concurred in; and the House of Commons was informed thereof, by message.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to abolish the offices of county Trustee and Treasurer of public buildings, with an amendment, to wit: Strike out the words "Chowan, Mecklenburg;" wherever they occur in the bill. In which, they ask the concurrence of the Senate. Whereupon, said amendments were concurred in, and the House of Commons was informed thereof by message.

Mr. Ballew presented the resignation of Abner Payne, a justice of the

peace for the county of Rutherford; and Mr. Allison presented the resignation of George Jordan, lieutenant colonel of the 48th regiment of North Carolina militia; which were severally read and accepted, and sent to the House of Commons.

Received from the House of Commons, the resignations of the following field officers, and justices of the peace, to wit: Dempsey Winstead, lieutenant colonel of the 22d regiment of North Carolina militia; John D. Summons, lieutenant colonel of the 66th regiment of North Carolina militia; Moses W. Alexander, lieutenant colonel of the 68th regiment; Benjamin F. Pearson, major of the 53d regiment of North Carolina militia; and Hardy Morgan, a justice of the peace for the county of Montgomery; endorsed, read and accepted; and which were severally read and accepted by the Senate.

The Senate then adjourned until 4 o'clock this evening.

MONDAY EVENING, 4 o'clock.

Mr. Little presented the following resolution, to wit:

Resolved, That the resolution heretofore passed, proposing to adjourn sine die on the 21st instant, be, and the same is hereby rescinded.

Which was read and adopted, and ordered to be engrossed.

On motion of Mr. Little,

Resolved further, That a message be sent to the House of Commons, proposing that the two Houses adjourn to-morrow morning at 7 o'clock; and that the clerks of the two Houses make up their estimates to that day.

Received from the House of Commons a message, stating that they have passed the engrossed bill, prescribing the times and places of comparing the polls in the different Senatorial districts therein named, with sundry amendments; in which they ask the concurrence of the Senate:

Whereupon, said amendments were concurred in, except the amendments marked "E" and "F," which were disagreed to, and a message sent to the House of Commons, informing them thereof.

Mr. McQueen presented a bill, entitled a bill to amend an act incorporating the Pittsborough Academy; which was read the first, second and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they do not concur in the amendment proposed by the Senate, to the engrossed bill, granting further time for revising and digesting the public statute laws. A motion was made by Mr. Little, that the Senate do now recede from their amendment; which was agreed to, and the House of Commons informed thereof by message.

Received also from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate, to the engrossed bill to emancipate Delia. Ordered that said bill be enrolled.

Received also from the House of Commons a message, stating their concurrence in the report of the committee of conference, on the disagreement to the amendments marked "B and C," to the engrossed bill to incorporate the Raleigh and Gaston Rail Road Company. Ordered that said bill be enrolled.

A message was sent to the House of Commons, stating that they have passed the engrossed bill to amend an act to incorporate the Pittsborough Academy. In which, they ask the concurrence of that House.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill supplemental to

an act passed at the present session of the General Assembly, entitled an act to amend an act passed in the year 1833, incorporating the Roanoke and Raleigh Road Company; and a bill to regulate the mode of passing private acts of the General Assembly. In which, they ask the concurrence of the Senate. Whereupon, the first named bill was read the first, second and third times, passed, and ordered to be enrolled. The second named bill was read the first and second times; amended, on motion of Mr. Wyche, and Mr. Gambill, and passed. Read the third time, and on motion of Mr. Bryan, ordered to be postponed indefinitely.

Received from the House of Commons a message, stating that they have concurred in the amendments proposed by the Senate, to the engrossed bill to suppress, more effectually, the vice of gaming in this State. Also their concurrence in the amendments proposed by the Senate to the engrossed bill to alter, in part, the dividing line between the counties of Surry and Rowan. Ordered that said bills be enrolled.

Received also from the House of Commons a message, stating that they have rejected the engrossed bill, fixing the punishment for the crime of bigamy.

On motion of Mr. Bryan, ordered that Mr. Moore of R. have leave of absence from the service of the Senate, from and after to-day, for the remainder of the session. Also on motion of Mr. Little, ordered that Mr. Moyer of P., and Mr. Williams of F., have leave of absence from the service of the Senate, from and after to-day for the remainder of the session. Also, on motion of Mr. Moore of R., ordered that Mr. Moorehead have leave of absence from the service of the Senate, from and after to-day, for the remainder of the session. Also, on motion of Mr. Arrington, ordered that Mr. Moyer of G. have leave of absence from the service of the Senate, from and after to-day, for the remainder of the session; and, on the motion of Mr. Edwards, and Mr. Bryan, respectively, ordered that Mr. Lindsay and Mr. Tlett, have leave of absence from the service of the Senate, from and after to-morrow, for the remainder of the session.

The Senate then adjourned until to-morrow morning 7 o'clock.

TUESDAY, DECEMBER 22, 1835.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the revenue laws, with sundry amendments. Ordered, on motion of Mr. Wyche, that the bill, with the amendments, be laid on the table.

Received also from the House of Commons a message, informing that Messrs. Jacobs, Muse, Tuton, Buie, and Gorrell, are added to the committee on enrolled bills.

On motion of Mr. Marsteller, ordered that a message be sent to the House of Commons, informing them that Messrs. Dowd, Beasley and Hill, have been added to the committee on enrolled bills, on the part of the Senate.

On motion of Mr. Little, the engrossed bill to regulate private acts of the General Assembly, was reconsidered. Whereupon, the bill was read the third time. Mr. Wellborn submitted the following amendment, to wit: Strike out all after the word "published," in the 8th line of the 1st section of the bill, and insert the following, to wit: "By advertisement, to be posted up at the Court House door, and three other public places in the county in which said applicants or any of them may reside, for at least

thirty days before the meeting of the General Assembly; and when such private bill shall be presented, upon the request of any member, a copy of the notice, with due proof, that it has been so published, shall be introduced before the same shall be allowed to be read a second time;" and on the question of concurrence in said amendment, it was decided in the affirmative—Ayes 23, Noes 15. The ayes and noes being demanded by Mr. Cooper,

Those who voted in the affirmative are, Messrs. Alexander, Allison, Baker, Brittain, Cooper, Cowper, Exum, Fox, Gambill, Harry, Houlder, Hussey, Kendall, Marsteller, Moody, Rabun, Reid, Selby, Sharpe, Staley, Stephens, Wellborn, Whitaker.

Those who voted in the negative are, Messrs. Bryan, Harrison, Joyner, Kerr, Little, McCormick, Martin, Moore of S., Polk, Tilet, Vann, Williams of B., Williams of P., Wilson, Wycle.

A motion was made by Mr. Wilson to amend the bill, by adding the following at the end thereof, to wit: "Be it further enacted, that all persons applying for acts of incorporation, shall, upon filing his or their memorials, pay to the public Treasurer, a tax of ten dollars, and file the receipt of the Treasurer, with his or their memorial;" which was not agreed to—Ayes 7, Noes 34. The ayes and noes being demanded by Mr. Cooper,

Those who voted in the affirmative, are, Messrs. Fox, Harrison, Kerr, Moore of L., Moore of S., Vann, Wilson.

Those who voted in the negative are, Messrs. Alexander, Allison, Baker, Ballew, Brittain, Bryan, Cooper, Cowper, Exum, Gambill, Harry, Hogan, Houlder, Hussey, Joyner, Kendall, McCormick, Marsteller, Martin, Moody, Polk, Rabun, Reid, Selby, Sharpe, Staley, Stephens, Wellborn, Whitaker, Whitehurst, Williams of B., Williams of P., Wycle.

The question then recurring on the passage of the bill, as amended, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

Received from the House of Commons a message, stating that they have rejected the following engrossed bills, to wit: The bill to reduce the county Solicitor's fees in certain cases; the bill supplemental to an act passed in 1809, entitled an act directing how persons injured by the erection of public mills, shall, in future, proceed to recover damages; and that they have postponed, indefinitely, the resolutions concerning the public domain.

Received also from the House of Commons a message, stating that they have passed the following bill and resolution, to wit: A bill to amend an act passed in the year 1833, establishing a female Academy in the county of Northampton; and a resolution in favor of Thomas Bell. In which, they ask the concurrence of the Senate. Whereupon, the bill was read the first, second and third times, passed, and ordered to be enrolled. The resolution was read the first and second times, and passed. Read the third time, and resolved that the same shall not pass.

Mr. McCormick presented a bill, entitled a bill authorizing the court of pleas and quarter sessions of Cumberland county, to lay off the public roads in that county into districts, and for other purposes. Whereupon, the bill was read the first time and passed, and on motion of Mr. Cooper, ordered to be postponed indefinitely.

Mr. Wilson presented a resolution, providing that no member of either of us be entitled to a per diem compensation after this day; which was read the first, second, and third times, passed, and ordered to be engrossed.

On motion of Mr. Marsteller, a message was sent to the House of Commons, informing them that the Senate has acted on all the business before them; and that they are now ready to adjourn sine die.

Received from the House of Commons a message, stating that they have rejected the engrossed bill to amend an act to establish a Bank in the State of North Carolina, passed in 1833—'4. Also, the engrossed bill to authorize the Bank of Cape Fear, and Merchants' Bank of Newbern, to deal in any public debt, authorized or created by any law of this State. Also a bill authorizing the leasing, for the term of eighteen years, of certain tracts of land acquired by treaty from the Cherokee Indians.

Received also from the House of Commons a message, stating that they have receded from their amendments marked "E" and "F," to the engrossed bill prescribing the time and places of comparing the polls in the different Senatorial districts of this State.

Received also from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate, to the engrossed bill to regulate the mode of passing private acts of the General Assembly. Ordered that said bill be enrolled.

Received from the House of Commons a message, stating that having passed on all the business before them at this session, they are now ready to adjourn sine die.

On motion of Mr. Bryan,

Resolved unanimously, that the thanks of the Senate are due to the Hon. William D. Moseley, for the able, dignified, and impartial manner, in which he has discharged the duties of the Chair, during the present session of the General Assembly.

Whereupon, the Speaker made his acknowledgements to the Senate, in an appropriate address, and adjourned the same sine die.

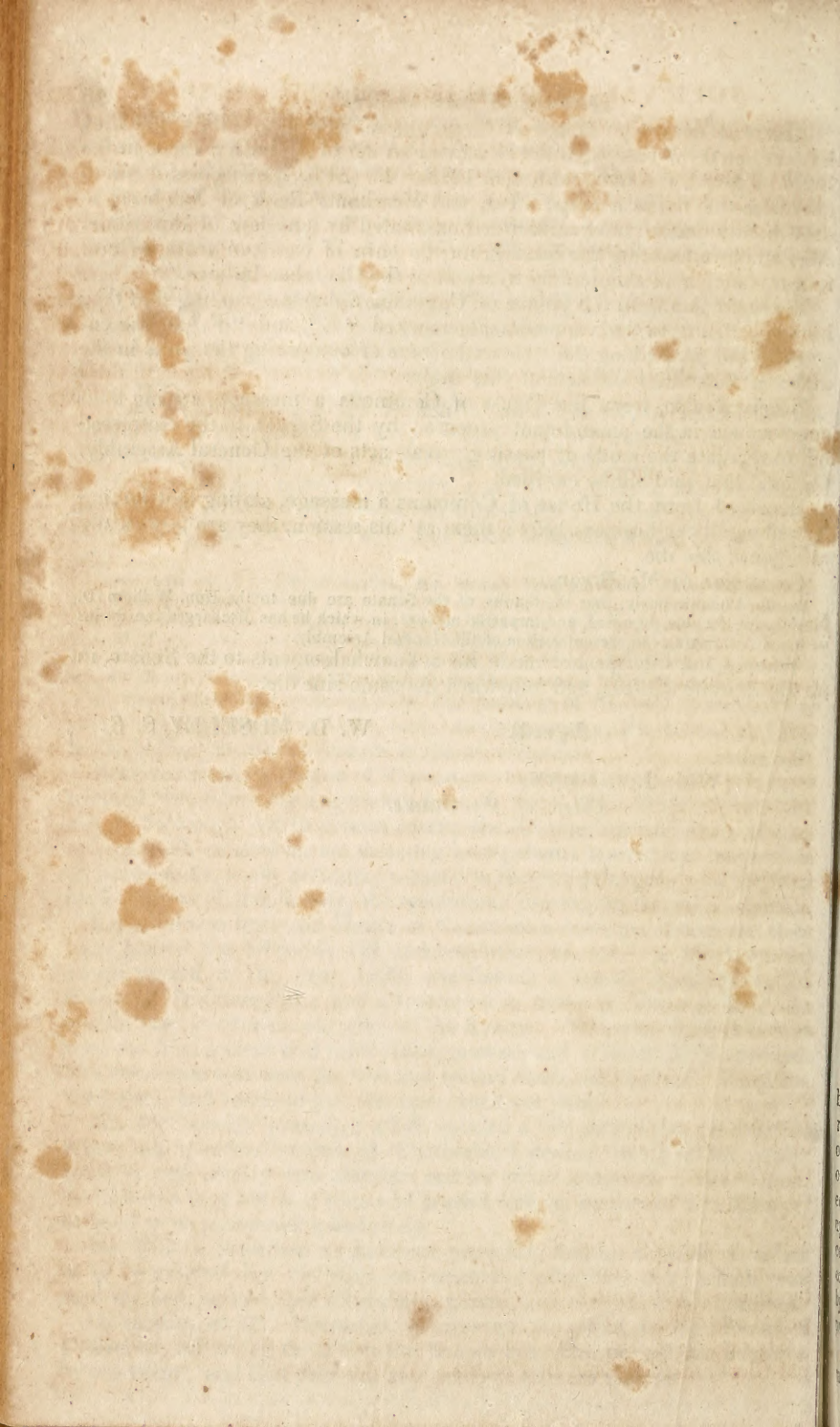
(Signed)

W. D. MOSELEY, S. S.

By order.

WM. J. COWAN,

Clerk of the Senate.



JOURNAL OF THE HOUSE OF COMMONS.



At a General Assembly of the State of North Carolina, begun and held in the city of Raleigh, on Monday the 16th day of November, in the year of our Lord one thousand eight hundred and thirty-five, and sixtieth year of the Independence of the United States of America, being the day appointed by law for the meeting of the General assembly; the following Members of the House of Commons, appeared, exhibited their credentials, were qualified according to law, and took their seats, viz :

<i>Anson County</i> , John A. M'Rae Jer. Benton.	<i>Martin</i> , Raleigh Roebuck, Alfred M. Slade.
<i>Ahse</i> , Taliaferro Watcher, Jonathan Horton.	<i>Mecklenburg</i> , James M. Hutchison, J. A. Dunn.
<i>Bertie</i> , John F. Lee, Thomas H. Speller,	<i>Montgomery</i> , William Harris, Peter R. Lilly.
<i>Bladen</i> , Robert Lyon, Benjamin Fitzrandolph.	<i>Moore</i> , John B. Kelly, John A. D. M'Neil.
<i>Brunswick</i> , William R. Hall, Abram Baker.	<i>Nash</i> , Samuel Brown, Ford Taylor.
<i>Buncombe</i> , Nathaniel Harrison, Joseph Pickett.	<i>New Hanover</i> , Charles Henry, John R. Walker.
<i>Burke</i> , Edward J. Erwin, James H. Perkins.	<i>Northampton</i> , William E. Crump.
<i>Cabarrus</i> , Levi Hope.	<i>Onslow</i> , Daniel S. Sanders, Daniel Thompson.
<i>Camden</i> , James N. M'Pherson, John S. Burgess.	<i>Orange</i> , John Stockard.
<i>Carteret</i> , James W. Hunt.	<i>Pasquotank</i> , Thomas Bell, John B. Muse.
<i>Casmell</i> , Littleton A. Gwyn, Stephen Dodson.	<i>Perquimans</i> , J. H. Jacobs, J. T. Granberry.
<i>Chatham</i> , Richard C. Cotten, John S. Guthrie.	<i>Person</i> , James M. Williamson, Robert Jones.
<i>Chowan</i> , William Byrum, Thomas S. Hoskins.	<i>Pitt</i> , John L. Foreman, Macon Moye.
<i>Columbus</i> , Thomas Frink.	<i>Randolph</i> , William B. Lane, Zebedee Rush.
<i>Craven</i> , John M. Bryan, Abner Neale.	<i>Richmond</i> , George Thomas, John R. Baie.
<i>Cumberland</i> , Dillon Jordan, jr. David M'Neil.	<i>Robeson</i> , Oliver K. Tuton, Alexander Watson.
<i>Currituck</i> , Joshua Harrison, Alfred Perkins.	<i>Rockingham</i> , Philip Irion, Blake W. Braswell.
<i>Davidson</i> , George Smith, Charles Brummell.	<i>Rowan</i> , John Clemeut, Jesse W. Walton.
<i>Duplin</i> , James K. Hill.	<i>Rutherford</i> , John H. Bedford, J. M'D. Carson.
<i>Edgecombe</i> , L. Deberry, Joseph S. Pippin.	<i>Sampson</i> , Dickson Sloan, Isaac W. Lane.
<i>Franklin</i> , Thos. Howerton, Simon G. Jeffreys.	<i>Stokes</i> , John F. Poindexter, Caleb H. Matthews.
<i>Gates</i> , Whitmell Stallings, Lemuel Riddick.	<i>Surry</i> , Thos. L. Clingman, Mordecai Fleming.
<i>Greenville</i> , Charles R. Eaton, Elijah Hester.	<i>Tyrell</i> , Charles M'Cleese, Thomas Hassell.
<i>Greene</i> , James Harper, Thomas Hooker.	<i>Wake</i> , Wm. H. Haywood jr. Allen Rogers, jr.
<i>Guilford</i> , Jesse H. Lindsay, Raiph Gorrell.	<i>Warren</i> , John H. Hawkins, Thos. J. Judkias.
<i>Halifax</i> , Sterling H. Gee, William M. West.	<i>Washington</i> , U. W. Swanner, A. Davenport.
<i>Haywood</i> , Joseph H. Walker, John L. Smith.	<i>Wayne</i> , Calvin Coor, Giles Smith.
<i>Hertford</i> , Roscius C. Borland, Kenneth Rayner.	<i>Wilkes</i> , William Horton, John Watts.
<i>Hyde</i> , John L. Swindell.	<i>Yancey</i> , May Jervis Samuel Byrd.
<i>Iredell</i> , James A. King, Solomon Loudermilk.	<i>Town of Hillsborough</i> , William A. Graham,
<i>Johnston</i> , James Tomlinson, Kedar Whitley.	<i>Salisbury</i> , William Chambers.
<i>Jones</i> , John H. Hammond.	<i>Halifax</i> , Robert C. Bond.
<i>Lenoir</i> , Windall Davis.	<i>Newbern</i> , Mathias E. Manly.
<i>Lincoln</i> , Henry Canler, Michael Hoke.	<i>Fayetteville</i> , Thomas L. Hybart.
<i>Macon</i> , James W. Guinn, Jacob Siler.	

A quorum consisting of a majority of the whole number of members being present, Mr. King moved that William A. Graham, the member representing the town of Hillsboro', be appointed Speaker; and on motion of Mr. Slade, William H. Haywood, one of the representatives of the county of Wake, was added to the nomination. The House thereupon proceeded to ballot under the superintendence of Messrs. King and Slade; who upon counting out the ballots, reported that William H. Haywood had received a majority of the whole number, and was duly elected. The House concurred in the report, and Mr. Haywood being conducted to the Chair by Messrs. Slade and King, entered upon the duties thereof in an appropriate address.

On motion of Mr. Poindexter, Charles Manly was re-appointed Principal Clerk, and Edmund B. Freeman Assistant Clerk.

On motion of Mr. King, the House proceeded to the selection of a Door Keeper, when Isaac Truit, Richard Roberts, William W. Gray, William Walton and Mark Williams, were nominated; a balloting was had under the superintendence of Messrs. Rogers and Dodson; and Mr. Rogers reported, that upon counting out the votes Isaac Truit had received a majority, and was duly elected. The report was concurred in.

On motion of Mr. Gorrell, the House proceeded to the appointment of an Assistant Door Keeper, and John Cooper, Angus M'Donald, William W. Gray, Kinchen Taylor and William Young, were nominated for the appointment; a balloting was had under the superintendence of Messrs. Gorrell and Hutchison; and Mr. Gorrell after counting the ballots reported that John Cooper had received a majority of the whole number, and was duly elected; the report was agreed to.

Mr. Stockard announced to the House the death of James Forrest, one of the members elect from the county of Orange, and moved the following resolution, which was read and adopted;

Resolved, That a writ of election be issued to the Sheriff of Orange county directing him to hold an election for a member of this House, in the place of the late James Forrest deceased, on Monday the 23d day of November.

On motion of Mr. Brummeil the House then adjourned until to-morrow morning 10 o'clock.

TUESDAY, NOVEMBER 17, 1835.

Owen R. Kenan, one of the members elect from the county of Duplin, exhibited his credentials, and was qualified according to law.

A message was received from the Senate, by their assistant clerk, Mr. Coleman, informing them that the Senate had been duly organized by the appointment of William D. Mosely speaker, William J. Cowan principal clerk, Daniel Coleman clerk assistant, Thomas B. Wheeler principal door keeper, and Green Hill assistant door keeper, and that they are ready to proceed to the despatch of public business.

On motion of Mr. Gwyn of Caswell, ordered, that the Senate be informed of the organization of this House, and of our readiness to co-operate with that body in the despatch of public business.

On motion of Mr. Graham, ordered, that a committee of five persons be appointed to prepare and report rules of order for the Government of the House the present session; and that in the interim, the rules of order of the last session be observed. Messrs. Graham, Hoke, Hybart, Poindexter and Hutchison, form said committee.

On motion of Mr. Graham, ordered, that a message be sent to the Senate, proposing to raise a joint select committee of five persons on the part of each House to prepare rules of order for the regulation of the intercourse between the two Houses the present session.

On motion of Mr. Manly, ordered, that a message be sent to the Senate, proposing to raise a joint select committee of two, on the part of each House, to wait upon His Excellency the Governor, informing him of the due organization of both branches of the Legislature, and of their readiness to receive any communication he may see proper to make.

A message from the Senate concurring in this proposition, and informing that Messrs. Joyner and Edmonston form said committee on their part; ordered, that Messrs. Manly and M'Rae, form this committee on behalf of the Commons.

On motion of Mr. L. A. Gwyn, ordered, that a message be sent to the Senate, proposing that the two Houses ballot immediately for three engrossed clerks, and informing them that Thomas G. Stone, Joseph D. Ward, John C. Stone, James J. Thomas, Nehemiah Blackstock and William W. Hall, are nominated for the appointment.

A message from the Senate, agreeing to this proposition, and informing that Messrs Little and Arrington, form the balloting committee on their part; ordered, that Messrs. L. A. Gwyn and M'Pherson, form this committee on our part,

A message from the Senate concurring in the proposition of this House to raise a joint select committee on joint rules of order, and informing that Messrs. Wyche, Wilson, Waugh, Hill, and Moorehead, form said committee on their part; ordered that Messrs. Graham, Hoke, Hybart, Poindexter and Hutchison, form said committee on behalf of the commons.

Mr. Manly from the joint select committee appointed to wait upon His Excellency the Governor, reported that the committee had discharged their duty, and that they were authorized to say that the Governor would at 12 o'clock this day, make a communication in writing to both branches of the Legislature.

Mr. L. A. Gwyn from the committee appointed to conduct the balloting for three engrossing clerks, reported that William W. Hall, Joseph D. Ward and Thomas G. Stone, had each received a majority of the whole number of votes, and were duly elected. The report was concurred in.

Received from His Excellency Governor Swain, by his private Secretary Mr. Wm. T. Coleman, the following communication, which, upon being read, was on motion of Mr. Manly, ordered to be transmitted to the Senate with the documents accompanying, and with a proposition that the message be printed; one copy for each member of the Legislature.

To the General Assembly of North Carolina:

The duty of addressing the representatives of the people, convened to consult for the common good of their constituents, has on no previous occasion been to me the source of so great anxiety and perplexity as the present. This embarrassment arises no less from the peculiar situation of our affairs, than from the measures in progress to amend the Constitution of the State.

It will be some days before it can be ascertained whether the new Constitution has been adopted or rejected. If it has been adopted, a material change in the basis of representation, constitutes one of its most prominent provisions. This expression of the public will, made in the most imposing form known to our institutions, will probably have a decided influence upon your proceedings. You will not, without hesitation, venture upon any radical change in the system of policy hitherto pursued, if it shall be ascertained that the people have transferred the legislative power of the State to a Department which will be constituted upon principles differing essentially from those which enter into the formation of your body. Whatever may be the conclusion at which you may arrive on this subject, there seems to be no reason which should restrain the Executive Department from the customary expression of opinion upon the most important topics which engage public attention.

To much the larger portion of this State, the past year has been a season of more than ordinary prosperity. The production of articles necessary to the sustenance of human life, has been abundant—and our great agricultural staple has commanded a higher price than has been known for many years. Our citizens, always distinguished for prudence and economy in the management of their domestic affairs, aided by the fortunate circumstances referred to, are at present probably less involved in pecuniary difficulties, than at any previous period of our history. Notwithstanding these clear evidences of the comparatively prosperous condition of the community, the tide of emigration continues to flow in a copious and steady current to the new States and Territories of the West, and we are thus constantly losing many of our most wealthy, enterprising and intelligent citizens. It is not surprising that the universal and laudable disposition strikingly characteristic of the American people to acquire a permanent interest in the soil, should prompt removals from an old and densely populated country, to sparsely settled regions where good land may be acquired at low prices. That these causes have in many instances produced emigration from this State, is admitted;

but we deceive ourselves, if we suppose that the evil is to be attributed to them alone. In general salubrity, variety of climate and consequent variety of productions, average fertility of soil, and wide extent of sea coast, North Carolina is scarcely exceeded by any of her sister States. Other causes, therefore, than natural disadvantages, have in a greater or less degree affected the growth and prosperity of the State. A very slight acquaintance with the facts, will suffice to show that a large proportion of the citizens who have removed from our borders within the last ten years, have contributed to augment the population and resources of States more densely peopled than our own. With regard then to the latter class, and to those who are liable to be influenced by similar considerations hereafter, it becomes important to inquire, what causes have produced the evil, in order that you may ascertain whether a remedy can be devised within the legitimate range of your powers.

When we consider that we have but a single collegiate institution in the State, but few respectable academies, and that no adequate provision has been made to diffuse even the elementary principles of education among the poor; that there is not a single work of Internal Improvement in progress, and no fund that deserves the name provided for the future developement of our resources; it ceases to be a matter of surprize that even our younger sisters munificently provided for in all these respects by the bounty of the General Government, should outstrip us in the generous contest for physical and intellectual improvement. It is but natural that under such circumstances the young, the ardent and the enterprising among our own citizens, should sever the ties that bind them to their native homes, and seek for affluence and distinction under better auspices. It affords me no pleasure to present this picture of our condition. It would indeed be the source of extreme mortification if I regarded it as proceeding exclusively from our own supineness and neglect. That we have done less than we might and ought to have done for the accomplishment of these great purposes, is in my estimation, certain; but that our exertions have been constantly retarded by the system of Federal legislation adopted with regard to us, is not less manifest.

This entire subject was so fully discussed in my last annual message, that I shall content myself with a mere reference to that paper, rather than an extended consideration of it in this. It was then attempted to be shewn, that great injustice had been done to this State in the settlement of our claims for revolutionary services; that the revenue system adopted by the Federal Government had operated oppressively upon us, and that the low prices at which the government lands were disposed of in the new States and Territories, had affected most injuriously the value of our real estate. The injustice sustained in the settlement of our revolutionary claims, embarrassed our efforts towards improvement, at the period of all others the most important, the commencement of our political existence; and the tariff and land systems subsequently adopted, far from relieving, tended but to increase our difficulties. Thus stripped of resources, the history of our State legislation during the first half century of our political existence, will exhibit little more to posterity than the annual imposition of taxes amounting to less than a hundred thousand dollars, one half of which constituted the reward of the legislative bodies by which they were levied, while the remainder was applied to sustain the train of officers who superintend the machinery of government. The establishment of schools for the convenient instruction of youth, and the developement and improvement of our internal resources by means beyond the reach of individual enterprize, will seem scarcely to have been regarded as proper objects of legislative concern.

Still less cheering and consolatory is the history of our Federal relations. Immediately upon our entrance into the Federal compact, we conveyed to the General Government our entire claim to territory west of this State, out of a portion of which was formed the State of Tennessee, as a common fund for the use and benefit of the United States of America, North Carolina inclusive, to be applied to the payment of the national debt according to their respective and usual proportions in the general charge and expenditure, and to no other purpose whatever. We have, in the shape of internal duties, contributed more than a million of dollars annually to the national Treasury. In return for these immense concessions, we have enjoyed that protection which the American name extends to American citizens throughout the wide extent of this confederacy, and we may almost say that none other than this nominal protection has been afforded to us. During the late war, when our coast was blockaded by the greatest maritime power in the world, a special messenger was despatched by the General Assembly to represent to the General Government the defenceless condition of our maritime frontier: In reply, we were urged to prepare vigorously for the contest, and to rely exclusively upon our own resources, as it was not then convenient to aid us. The legislature immediately resorted to loans, provided munitions of war indispensable to the protection of the coast, and put them in the charge of the militia of the State. The claim for the expense thus incurred, has been for years, and is at present, before the War Department, and has been uniformly resisted, upon the ground that the General Government having omitted to fortify the coast, could not properly be required to pay for munitions of war, suitable only for fortifications. Since the war, a Fort of the second class has been erected contiguous to Cape Fear, and another near Old Top-sail Inlet, but these are the only evidences visible upon the face of the country, of the exertion towards us of the benevolent action of the Government, either for the purpose of improvement or defence.

If it were possible to procure precise data, by which to institute a comparison between the exactions and the disbursements of the Federal Government, from and on account of North Carolina, there can be no difficulty in pronouncing that a prominent cause of our evils would be rendered most apparent. If the comparison were extended so as to present a relative view of the receipts from, and disbursements on account of some of the more favored States, the contrast would exhibit a claim to redress which could scarcely be overlooked or disregarded. A more favorable opportunity than the present to urge attention to these claims, cannot arise—nor is the nation likely, at any future period, to be able to do us justice with such perfect convenience. That the revenue of the General Government exceeds its legitimate wants, and that the power and patronage incident to it, are dangerous to the liberty of the country, are positions which will scarcely be controverted. In my last annual Message, to which reference has already been made in connection with this topic, I suggested as the most appropriate and least objectionable mode of satisfying the demands of North Carolina, and reducing in some degree, the patronage of the Government, a distribution of the proceeds of the public domain, upon the principles stipulated by our deed of cession. It is now submitted as a subject proper for your consideration, and as requiring, for reasons too obvious to be stated, early and efficient action. This State, it will be recollected, was charged with one tenth of the entire expenses incurred in sustaining the war of the revolution—and is therefore entitled to the same proportion of all that portion of the public lands ceded to the General Government, anterior to the acquisition of Louisiana.

A cession to the new States of such portions of the public domain as are situate within their limits, or a further reduction of the price at which it is at present disposed of, cannot be otherwise than deeply injurious to all the old States, and fraught with manifest injustice and the most ruinous consequences to us.

With a Treasury barely sufficient to meet the current expenses of the Government, without resorting to loans, it would be idle to recommend the adoption of any measures connected with the general improvement of either the physical or intellectual resources of the country. My opinions on these subjects, have been repeatedly communicated to the General Assembly, and are too well known to all classes of the community, to justify repetition. To attempt to accomplish any thing with regard to either, without first having provided a competent fund for the purpose, would have no other effect than to disappoint the excited hopes of the public, and postpone further efforts to an indefinite period. A just proportion of the revenue, accruing from the sales of public lands, would enable us to enter upon a system of measures which could not be otherwise than productive of the most auspicious results. Without it, judging from past experience, little expectation can be entertained that an adequate fund for the purpose will be provided by the government in time to meet the growing exigencies of the country.

I have, on various occasions, expressed the opinion, that it was not to be expected, in the nature of things, that any system of Internal Improvements commensurate with our necessities and resources would, at any time, be effected by individual enterprize. The attention of the capitalist will naturally be directed to the sections of country which will best reward expenditure, rather than to those which most require improvement. Important local improvements may, nevertheless, be effected by incorporated companies; and if the Government neglects its appropriate duty of providing for the wants of the whole community, liberal encouragement should, at least, be extended to individuals who propose to combine their skill and capital in an attempt to improve any portion of the country. In the accompanying file of papers, will be found a printed pamphlet, containing the proceedings of a meeting of citizens held at Cincinnati, Ohio, on the 10th of August last, on the subject of a "Rail Road from the banks of the Ohio river, to the tide waters of the Carolinas and Georgia." The enterprize proposed by that meeting is of the most gigantic character, and contemplates a large expenditure of capital,—but promises, if effected, immensely beneficial results to nearly half of the Union. It is at present exciting much interest in South Carolina and Georgia, and confidence in its practicability and utility, seems to be rapidly increasing. The effect of its accomplishment would have upon this State, depends, in a great degree, upon the course which may be pursued with respect to a general system of improvements. If the plan recommended by the Internal Improvement Convention two years since, should be adopted, the Cincinnati project would prove a magnificent extension of our system. If we determine to do nothing ourselves, and permit South Carolina and Georgia to compete alone for the trade of the valley of the Mississippi, the enterprize, nevertheless, promises the most important advantages to the section of the State west of the Alleghany; and is, under all circumstances, entitled to the most favorable consideration. In connection with this subject, I submit a communication from the President of the Petersburg Rail Road Company,—exhibiting statements of the receipts and disbursements on that portion of the road within the limits of the State, and making important suggestions in relation to its further extension within our borders.

The spirit of fanaticism, which has recently been manifested in connection with one

species of our population, in various sections of the Union, demands, and will receive your serious consideration. It is no longer possible to conceal it, if we would; and it becomes us, in common with the people of every Southern State, to speak a language upon this subject which will not admit of misapprehension, and exhibit a spirit that shall, at least, command attention and respect. The extent of the operations and designs of these misguided people, will be best understood by an examination of the accompanying file of papers, published under the patronage of the Society of Immediate Abolitionists at New York; which has been transmitted to me by a citizen of this State for your use. This subject first attracted the attention of the Legislature in 1830, when the evil was comparatively in its infancy; and the publication or circulation within this State of these incendiary newspapers and pamphlets, was made a felony punishable by fine, whipping, and the pillory in the first instance; and death for the second offence. It is apparent to all who have any accurate knowledge of our condition, that the public safety imperiously requires the suppression of these wicked and mischievous publications, injurious alike to the best interest of the master and the slave. This, I apprehend, cannot be effected without the co-operation of the Legislatures of the States from which these missiles proceed. Such an interference with our domestic concerns upon the part of the citizens of a foreign State, either encouraged or permitted by the government, would at once justify a resort to the modes ordinarily adopted for the adjustment of national differences. If we should exercise greater forbearance in the present instance, it is not because the wrongs we suffer are less injurious or mortifying, when inflicted by the hands of brethren. The obvious design and tendency of these proceedings, is to subvert the Constitution and laws of the country; and we have therefore, an indubitable right to ask of our sister States the adoption of such measures as may be necessary and requisite to suppress them totally and promptly. Upon this question there is no diversity of interest, and can be no difference of opinion. The entire South will unite with you in the adoption of any measures which may seem best calculated to insure union of counsels, and prompt and energetic action. Under the perfect conviction, that there is no neutral ground which can be occupied either with safety or honor, and that to delay action is to increase danger; I cannot doubt or hesitate as to the course which it becomes us to pursue. It is therefore respectfully recommended as worthy of your consideration, whether Resolutions should not be adopted, inviting the States united with us by the ties of common interest and danger, to co-operate with us in the adoption of such measures as may be necessary to insure our safety; and calling upon the Legislatures of all the States, to enact such penal laws upon this subject, as may be necessary to perpetuate the blessings contemplated in the formation of the Federal Constitution and the Union.

The Report of the Public Treasurer exhibits the condition of our Finances, and suggests the measures proper for their improvement, with a clearness and force of reasoning, highly creditable to that officer. Most of the measures recommended to your consideration, have heretofore occupied the attention of the General Assembly; but have given rise to no efficient legislation. Whether the course pursued by your predecessors, upon this subject, was the one demanded by the public interest, is scarcely necessary to inquire. If the proposed Constitution shall be rejected, it is certain that you have no alternative other than the diminution of the public expenditures, or the increase of the public revenue. If it shall be adopted, though the necessity for the consideration of this subject may be rendered less absolute, it will remain equally prudent and proper.

In the accompanying file of papers, will be found a communication from the Governor of Kentucky, soliciting an exchange of law reports between that State and this: A similar application upon the part of Maryland, was communicated to the last General Assembly. Reports of the decisions of the Supreme Courts of Maryland, Kentucky, Indiana, Illinois, and Missouri, have been received at various periods from the Executive Departments of these States; and have been preserved in the Library belonging to the Executive office. As this Department has no authority over the subject, it becomes your duty to adopt the measures which seem to be demanded by the courtesy of the States referred to. An interchange of the Statute Laws of all the States, has existed, perhaps, from the foundation of the government, and seems indeed to be essential to enlightened legislation. The reported decisions of the Courts of the several States, would perhaps be equally important to the Judicial Department of the Government, and would certainly constitute a valuable addition to the public Library.

I have heretofore suggested to the General Assembly, the propriety of revising the laws, regulating the duties of the public Printer; and beg leave to commend the subject to your consideration. The compensation allowed him for any other than extra work, is altogether inadequate; and as a natural consequence, the laws are most inelegantly and inaccurately printed. It is made the duty of no one to prepare indexes and marginal notes, or revise the proof sheets; and numerous, and in many instances, material errors have found their way into even the best editions of the laws. Some more certain and definite princi-

pie, by which to determine the amount of compensation to be allowed for extra work, should also be prescribed.

The death of the Honorable Henry Seawell, has created a vacancy upon the Bench of the Superior Courts of Law and Equity, which it will be your duty to supply in the progress of the present session. The Judge died during the week designated by law, as the term of Wake Superior Court; and at so late a period in the circuit, that it was considered inexpedient to convene the Council for the purpose of appointing a successor. His illness occasioned the loss of Johnston and Wake courts; and his death, those of Franklin, Warren, Halifax and Northampton. It would seem to be at least worthy of inquiry, nevertheless, whether the frequency of their occurrence might not be lessened, either by changing the periods at which the courts are required to be held, to a later period of the year, or so far as respects the circuits on which difficulties of this character have most frequently arisen, by merely inverting the order, so as to begin in the healthy and terminate in the sickly counties.

The crowded state of the dockets in some of the large Western counties, is such as to amount, in some degree, to a denial of justice; and calls loudly for a remedy. Perhaps the best method of redress, would be the creation of an additional Circuit; and the extension of the term to two weeks, in cases where the accumulation of business requires it.

A Report from the Commissioners appointed to digest and revise the Public Statute Laws of the State, which will necessarily engage a large portion of your time and attention during the present session, is in preparation, and will be submitted at an early day. The vacancy in the commission, occasioned by the illness and consequent resignation of the late Gavin Hogg, Esq. was, in January last, supplied by the appointment of Frederick Nash, Esq. of Hillsborough, who has been since that period, assiduously engaged in the discharge of its duties.

Duncan Cameron, and Alfred Jones, Esquires, two of the commissioners appointed by an act of the last General Assembly, to superintend the rebuilding of the Capitol, having declined the trust, the appointment was, on the 21st of July last, conferred on the Rev. Doctor McPheters and Doctor John Beckwith, of this city. The report of the Commissioners, which will be transmitted to you at an early period of the session, will exhibit in detail, the progress which has been made, and the expenditures which have been incurred in the execution of the work.

My term of office, as limited by the Constitution, will expire before the brief period allotted for the discharge of your duties will have passed away. I trust I may be permitted to avail myself of this last opportunity, before I retire from the active and responsible duties of public life, to comparative quiet and seclusion, to express the deep and grateful sense I entertain of the unwavering confidence and kindness so frequently manifested towards me by the people of North Carolina. In every relation of life, in which it may be my destiny to be placed, my most fervent aspirations will arise to Him who controls the destinies of Nations, as of individuals, for the preservation, in their purity, of our free institutions; and the advancement of our citizens in every thing calculated to promote their prosperity and happiness, and add lustre to the character of the State.

DAVID L. SWAIN.

Executive Department, N. C. November 16th, 1835.

WEDNESDAY, NOVEMBER 18, 1835.

Henry S. Clarke, one of the members elect from the county of Beaufort, Roderick B. Gary, of Northampton, James W. Howard of Jones, Council Wooten, of Lenoir, and Marmaduke Powell of Columbus, appeared, exhibited their credentials, and were qualified according to law. Mr. Graham from the joint select committee, raised on the subject, reported the following joint rules of order for the regulation of the intercourse between the two Houses, viz:

TOUCHING THE DUTY OF THE SPEAKER.

1. He shall take the Chair every day, precisely at the hour to which the House shall have adjourned, on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for the purpose; and shall decide questions of order, subject to an appeal to the House by any member, on which appeal, no member shall speak more than once, unless by leave of the House,

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, viz: "As many as are of opinion that, (as the question may be,) say Aye:" and after the affirmative voice is expressed, "As many as are of contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: Those in the affirmative of the question, shall first rise from their seats; and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which also being reported, he shall rise and state the decision of the House.

5. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except in case of sickness.

6. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all cases of ballot by the House, the Speaker shall vote. In other cases, he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal: in case of such equal division, the question shall be lost.

8. The Speaker shall arrange the orders of the day, unless the House shall otherwise direct.

9. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, and subpoenas issued by order of the House, shall be under his hand and seal, attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the committee of the whole) shall order the same to be cleared.

11. Stenographers wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

ORDER OF BUSINESS OF THE DAY.

12. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received without special leave of the House, until the former is disposed of.

OF DECORUM AND DEBATE.

13. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker.

14. If any member in speaking or otherwise transgress the rules of the House, the Speaker shall, or any other member may, call him to order; in which case, the member so called to order, shall immediately take his seat, unless permitted to clear a matter of fact or to explain; and the House shall, if appealed to, decide on the case. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

15. When two or more members rise at the same time, the Speaker shall name the member to speak.

16. No member shall speak more than twice on the same question, without leave of the House.

17. Whilst the Speaker is putting any question or addressing the House, no person shall speak or walk out or across the House; nor when a member is speaking, entertain private discourse, or pass between him and the Chair.

18. No member shall vote on any question, in the event of which he is im-

mediately and directly interested, or in any case where he was not present when the question was put by the Speaker. Upon a division and count of the House on any question, no member without the bar shall be counted.

19. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

20. When a motion is made and seconded, it shall be stated by the Speaker, or if written, it shall be handed to the Chair, and read aloud by the Clerk before debated.

21. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

22. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House; but may be withdrawn before a decision or amendment.

23. When a question is under debate, no motion shall be received, but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

24. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.

25. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

26. Any member may call for a division of the question, when the same will admit of it; which will be determined by the Speaker.

27. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof, on the same or succeeding day.

28. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

29. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the intruder; and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

30. No bill, petition, memorial, or other papers that may be introduced, shall be taken out of the possession of the House, or sent to the Senate, until the time for re-consideration shall have elapsed.

31. When the yeas and nays are called for on any question, it shall be on motion before the question is put; and if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.

32. No member shall be called upon for words spoken in the House, but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

33. Any twenty members, including the Speaker, shall be authorized to compel the attendance of absent members.

34. No member or officer of the House shall absent himself from the service of the House, without leave, unless from sickness or inability to attend.

35. Any member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.

36. If any member shall be necessarily absent on a balloting committee, or attending to any other temporary business of the House, when the vote is taken

upon any question, on entering the House, he shall be permitted upon motion to vote.

37. No standing rule or order shall be rescinded, altered, or suspended without one day's notice given of the motion thereof; and to sustain such notice, two-thirds of the House shall be required.

COMMITTEES.

38. Six standing committees shall be appointed at the commencement of the session, viz: A committee on claims; a committee on propositions and grievances; a committee on education; a committee on agriculture, a committee on Internal Improvement; and a committee on privileges and elections. Each of said committees shall consist of thirteen members, one from each Congressional district. In addition to the above standing committees, the Speaker shall appoint another, two members from each Judicial Circuit, to be denominated the committee on private bills.

39. A select standing committee consisting of nine members, shall be appointed at the commencement of the session by the Speaker, and be denominated "the committee on the judiciary."

40. Select committees shall consist of five members. It shall be the duty of the person first named on any committee, to cause the members of the committee to convene when necessary; and when so convened, they shall appoint some one of their number chairman.

41. In forming a committee of the whole House, the Speaker shall leave his chair, and a chairman to preside in committee, shall be appointed by the Speaker.

42. Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question on its passage be taken.

43. All questions, whether in committee, or in the House, shall be propounded in the order in which they were moved; except that in filling up blanks, the largest sum and longest time shall be first put.

44. The rules of proceeding in the House shall be observed in committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking.

45. In a committee of the whole House, a motion that the committee rise shall always be in order, and shall be decided without debate.

OF BILLS, RESOLUTIONS, &c.

46. Every bill shall be introduced by motion for leave, or by order of the House on the report of a committee.

47. Every bill shall receive three several readings in the House previous to its passage; and the Speaker shall notice at each, whether it be the first, second or third. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

48. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or amendment.

49. All bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise; but no public bill shall be twice read on the same day, without the concurrence of two thirds of the members present.

50. All resolutions which may grant money out of the Treasury, shall be treated in all respects in a similar manner with public bills.

51. When a bill is introduced to repeal a public law, or any part thereof, the law or any part intended to be repealed, shall be read at each separate reading of the bill.

52. When a bill has been once rejected, no other upon the same subject shall be introduced again during the session.

53. The Clerk of the House shall be deemed to continue in office until another is appointed.

The report was read and concurred in; and on motion of Mr. Graham, it was ordered that the same be engrossed and sent to the Senate for concurrence. Edward B. Dudley, the member representing the town of Wilmington, exhibited his credentials, and was qualified according to law; the speaker laid before the House the annual report of the public treasurer, which on motion of Mr. Poindexter, was ordered to be sent to the Senate with a proposition that it be printed, one copy for each member.

On motion of Mr. Sanders, ordered that a message be sent to the Senate, proposing to raise a joint select committee of five persons from each House, on so much of the message of His Excellency the Governor, as relates to the fanaticism of certain individuals in the Northern States on the subject of slavery. Mr. Graham from the select committee appointed for that purpose, reported the following rules of order of conducting business in the House of Commons.

JOINT RULES FOR BOTH HOUSES.*

1. Each House shall perfect and finally act on all bills, resolutions and orders, before the same shall be communicated to the other for its concurrence; and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in the amendment.

2. In any case of amendment of a bill, resolution or order, agreed to in one House, and dissented to in another, if either House shall require a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, each committee shall consist of an equal number, and they shall meet and state to each other the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses, of the result of their conference.

3. Messages from one House to the other shall be sent by the clerk assistant of each House, unless otherwise ordered.

4. When a message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent, by the door-keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

5. After a bill shall have passed the House in which it originated, it shall be under the signature of the clerk, and engrossed under his direction and inspection, before it shall be communicated to the other House.

6. After a bill shall have passed both Houses, it shall be duly enrolled, on suitable paper by the engrossing clerk, before it shall be presented for ratification.

7. When bills are enrolled, they shall be carefully examined by a joint committee, of two from the Senate, and four from the House of Commons, appointed as a committee for that purpose, whose duty it shall be carefully to compare the enrolment with the engrossed bill, as passed in the two Houses, and to correct any errors that may be discovered in the enrolled bills, and make their report of the said bills to the House.

8. After examination and report, each bill shall be ratified and signed in the respective Houses; first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

9. All orders, resolutions and votes of the two Houses shall be examined, engrossed and signed in the same manner as bills.

10. When a bill or resolution, which shall have passed in one House, is re-

* The Rules of Order, and the Joint Rules, were inadvertently transposed.—PRINTER.

jected in the other, notice thereof shall be given to the House in which the same may have passed.

11. The committee in each House shall, in all cases, make a statement of facts on which their report is founded; which statement, with all other papers on which any bill or resolution shall be formed, shall be transmitted to the other House.

12. The committee of Finance shall be joint, consisting of eight members of each House, one to be selected from each of the former judicial districts. The Library committee shall be a joint standing committee, consisting of three members from each House, appointed by the Speakers thereof, respectively.

13. In all joint committees, the members first named on the committee on the part of the House, proposing to raise such committee, shall convene the same; and when met they shall choose their own Chairman.

14. Either House may make a reference to any joint committee, and all reports shall be made to the House ordering such reference.

15. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper, and with fair type, and shall be distributed in the following manner: One copy thereof to each member of the General Assembly, one copy to the clerks of each House for the use thereof, and ten copies shall be deposited in the public Library.

16. That the foregoing rules shall be permanent joint rules of the Legislature of North Carolina, until altered or amended.

The report was read and concurred in; and on motion of Mr. Graham, ordered that the said rules, in connexion with the rules of the Senate, the joint rules, the constitution of this State and of the United States, be printed, one copy for each member of the Assembly.

In compliance with the 38th rule of order, the following standing committees were appointed, viz:

A Committee of Claims.—consisting of Messrs. Rayner, Slade, Foreman, Harper, Howerton, Henry, D. McNeill Stockard, Braswell, Cotten, Cansler, J. L. Smith and J. Horton.

Privileges and Elections.—Messrs. Hoskins, West, Swindell, Hammond, Brown, Hall, W. Rae, Williamson, Lindsay, W. B. Lane, Hoke, Bedford and Lundermilk.

Propositions and Grievances.—Messrs. Granberry, Gary, Deberry, Ryan, Hawkins, I. W. Lane, Kelly, R. Jones, Matthews, Brummell, Hutchison, J. W. Guinn and King.

Internal Improvement.—Messrs. JACOBS, Gee, Swanner, Hunt, Judkins, Dudley, Hybart, Rogers, Gorrell, Chambers, Hope, Jervis and Fleming.

Education.—Messrs. Muse, Bond, Moye, Howard, Jeffreys, Kenan, Lilly, Graham, L. A. Gwyn, Clement, Hoke, Erwin and Clingman.

Agriculture.—Messrs. Stallings, Speller, Pipin, Wooten, Hester, Lyon, Thomas, Stockard, Dodson, Guthrie, Dunn, Harrison and W. Horton.

The House then adjourned until to-morrow morning 10 o'clock.

THURSDAY, NOVEMBER 19, 1835

The speaker announced the appointment of the following committees, viz: the committee on the Judiciary, consisting of Messrs. Graham, Carson, Hoke, Hybart, Pandy, Williamson, Clarke, Hutchison, Jordan; committee on Private Bills, consisting of Messrs. J. W. Guinn, Guthrie, Eaton, J. A. D. McNeill, King, Fitzrandolph, Rayner, Byrum, Howerton, Bond, Hunt, Swindell.

Mr. Clingman submitted the following resolutions;

Resolved, as the opinion of this General Assembly, That any act by which the Congress of the United States shall give the public lands to the States in which they are situated, or any act by which the minimum price at which these lands are now sold, shall be reduced, would seriously affect the prosperity of all the old States, and do great injustice to those States by which they were originally ceded to the confederacy.

Resolved further, as the opinion of this General Assembly, That the public debt having been extinguished, and the object for which the cession of the respective portions of the public domain by the States which originally held them, having thus been accomplished that such disposition of the public lands, or the proceeds thereof, ought to be made among the States of the Union, as shall be proportioned to the respective sacrifices and expenditures incurred by them in support of the United States, or at least in proportion to their federal population.

Resolved, That the Governor be, and he is hereby requested to transmit copies of these resolutions to the Senators and Representatives from this State, in the Congress of the United States.

The foregoing resolutions were read, and on motion of Mr. Clingman, ordered to be printed, and made the order of the day for Monday next.

On motion of Mr. Slade, leave was granted John Brown, agent of the heirs of Cathcart, to withdraw from the files of this House, the petition presented by him at the last session.

On motion of Mr. Gary,

Resolved, That a message be sent to the Senate, proposing that so much of the message of His Excellency the Governor, as relates to changing the periods at which the courts are required to be held in the third judicial circuit to later periods of the year, or so to provide that the circuit commence in the healthy, and terminate in the sickly counties; be referred to a joint select committee.

Mr. Manly submitted the following resolutions, which were read and adopted.

Resolved, That so much of His Excellency the Governors message as relates to the internal improvement of the State, be referred to the standing committee on that subject.

Resolved, That so much as relates to the revenue and fiscal system of the State, be referred to a select committee.

Resolved, That so much thereof as relates to the exchange of their reports with certain States therein named, be referred to the committee on the judiciary.

Resolved, That so much thereof as relates to the public printing, be referred to the committee on propositions and grievances.

Messrs. Manly, West, Chambers, Poindexter, and Rogers were appointed a select committee under the preceding resolution relating to the revenue and fiscal system of the State.

On motion of Mr. J. W. Guinn,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee upon the subject of the Cherokee lands, consisting of three members from each House.

On motion of Mr. Hall,

Resolved, That so much of the Governors message as relates to the claims of the State against the General Government, be referred to a select committee.

Said committee consists of Messrs. Hall, Kelly, Wooten, Williamson and Slade.

On motion of Mr. Carson,

Resolved, That so much of the Governors message as relates to the establishment of an additional circuit in the State, be referred to the committee on the judiciary; and that they report by bill or otherwise.

On motion of Mr. Manly,

Resolved, That the committee on the judiciary be instructed to inquire whether any further legislation be necessary, more effectually to suppress the vice of gaming in this State, and that they have leave to report by bill or otherwise.

On motion of Mr. Hawkins, ordered that a message be sent to the Senate, proposing to raise a joint select committee on military affairs.

Mr. Guthrie presented the petition of John Harman of Chatham, praying that his illegitimate son, James Altas Marks, may be legitimated; the said petition was on motion of Mr. Guthrie, referred to the committee on propositions and grievances.

Mr Carson presented the petition of sundry citizens of Rutherford and Buncombe, praying the granting of a charter for the incorporation of a turnpike road company; the said petition was on motion of Mr. Carson laid on the table.

A message from the Senate, agreeing to the propositions of this House to print the message of His Excellency, the Governor, and the report of the public treasurer. The resignations of Robert Gaston of Lincoln county; of Peter Elliot of Camden; of Bryan Pate of Wayne; of George Crowell of Montgomery; of Gideon Byrum of Pitt; of John Mills and William Mills of Columbus county, justices of the peace; and the resignation of David Watson of Chatham, as Major of the 94th regiment of militia; were presented, read and adopted.

The House then adjourned until to-morrow morning 10 o'clock.

FRIDAY, NOVEMBER 20, 1835.

Hugh W. Collins, the member representing the town of Edenton, Samuel Smallwood, one of the representatives of the county of Beaufort, and Richard M. G. Moore of Hyde county, presented the certificates of their election, and were qualified according to law.

On motion, leave of absence from the service of the House, from and after this day until Monday next, was granted to Mr. Gary.

Mr. Walton presented the petition of the commissioned officers of the 64th regiment, upon the subject of an alteration in the militia laws; which on motion of Mr. Walton, was referred to the committee on military affairs.

Mr. Slade presented the petition of John Brown, agent and attorney in fact, of the devisees of William Cathcart, praying that the purchase money of certain vacant lands heretofore paid into the treasury of this State, by their devisor, be refunded to them; said petition was on motion of Mr. Slade, referred to a committee consisting of Messrs. Slade, Graham, Cansler, Howard and Jeffreys.

Mr. J. W. Guinn presented the petition of sundry citizens of Macon county, praying the incorporation of a turnpike road company; which, on motion of Mr. Guinn, was referred to the committee on Internal Improvement.

On motion of Mr. Manly, ordered that a message be sent to the Senate, proposing to ballot immediately for a major General of the fifth division of militia; and nominating James Whitfield. Received from the Senate a message, agreeing to the proposition, and informing that Messrs. Moyer of Green, and Hussey, form said committee on their part. Ordered that Messrs. Kenan and Eaton, superintend said balloting on behalf of the Commons.

Mr. Graham, on behalf of the commissioners appointed to revise the statute laws of the State, asked and obtained leave to withdraw, from the files of the House, the report submitted by said commissioners at the last session of the Assembly.

On motion of Mr. Dudley, ordered that a message be sent to the Senate, proposing to ballot immediately for a Solicitor in the fifth Judicial circuit; and informing that Alexander Troy is nominated for the appointment. A message from the Senate, concurring in the proposition; and informing that Messrs. Little and Kendall form, on their part, the balloting committee. Ordered that Messrs. Dudley and J. A. D. McNeil, form said committee on the part of this House.

Mr. Guthrie presented the petition of Frances Cloud, praying to be divorced from her husband Jonathan Cloud; which was on his motion referred to the committee on propositions and grievances.

Mr. Hoke presented the petition of Archibald R. S. Hunter of Macon county, in relation to the incorporation of a turnpike road company, which was on his motion referred to the committee on internal improvement.

Mr. Kenan from the committee appointed to conduct the balloting for a Major General of the 6th division of militia, reported that James Whitfield of Lenoir, had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

A message from the Senate agreeing to the proposition of this House, to raise a joint select committee on the subject of the Cherokee lands, and informing that Messrs. Wellborn, Waugh and Brittain form said committee on their part; ordered that Messrs. J. W. Guinn, Erwin and N. Harrison, form said committee on the part of this House.

A message from the Senate informing that Messrs. Mebane, Morehead and Hill, form their branch of the joint select committee on the public library; that Messrs. Marsteller and Moore of Stokes, form their committee on enrolled bills; and Messrs. Wyche, Marsteller, Moody, Selby, Vann, Fox, Gavin and Wellborn, form their committee of Finance; whereupon the speaker appointed Messrs. Collins, Graham and Cansler to compose the committee on the public library; Messrs. Hawkins, Irion, Loudermilk, Powell and Cotten, the committee on military affairs, and Messrs. Slade, M'Neill of Cumberland, Hester, Dudley, Jacobs, Bedford, Bryan and Brummell, the committee on finance.

Message from the Senate, proposing to refer so much of the message of His Excellency, the Governor, as relates to the claims of this State upon the General Government, and the distribution of the proceeds of the public domain, to a joint select committee; the message was on motion of Mr. Guthrie, laid on the table.

A message from the Senate, proposing to refer so much of said message, as relates to the public treasurer's annual report; and the subject of revenue, the committee of finance; and so much thereof as recommends the adoption of measures to prevent the interference of citizens of other States with our domestic police, to a joint select committee of twenty-six members; one to be selected from each congressional district on the part of each House; these propositions were agreed to.

Received from the Senate, the certificate of the county court of Perquimons, in favor of Priscilla Goodwin, a State Pensioner; countersigned by the speaker of that body; on motion of Mr. Jacobs, ordered that the same be countersigned by the speaker of this House, and returned to the Senate.

On motion of Mr. Hoke;

Resolved That the Secretary of State, communicate to this House the number of grants which have been issued by this State for lands within the State of Tennessee, shewing the number of acres in each grant, whether for Revolutionary services or otherwise.

On motion of Mr. Guthrie,

Resolved, That the committee on agriculture, be instructed to inquire what alterations (if any) are necessary, in the laws regulating the inspection of flour in the town of Fayetteville, and that they have leave to report by bill or otherwise.

Mr. Pickett presented the petition of sundry citizens of Buncombe, and Rutherford, praying the incorporation of a turnpike road company, which was on Mr. Pickett's motion laid on the table.

Mr. Hester, introduced a bill to establish Ford Creek Academy, in the county of Granville, and to incorporate the trustees thereof; Mr. M'Pherson a bill to amend an act, entitled an act for cutting a navigable canal from the waters of Elizabeth river to the waters of Pasquotank river, passed in 1787; and Mr J. L. Smith, a resolution in favor of Bartlett Dilis jr.; these bills and the resolutions were each read the first time and passed.

Mr. Hawkins introduced a bill to alter the name of John Pettis Johnson of Warren county, and to legitimate him; said bill was read the first time and passed, and on motion of Mr. Hawkins, referred to the committee on propositions and grievances.

The resignations of Hiram Phelps, as Col. Commandant; of Samuel Cecil, Lieut. Col., and Henry Ledford as Major of the 88th regiment of militia; of James N. M'Pherson as Major in the 2nd regiment of the 1st brigade of the 1st division; of G. C. Neill as Colonel Commandant in the first regiment of Buncombe militia; of William A. Dargen, as Lieut. Col. of the militia of Greene county; and of William A. Wilson, as major of the 76th regiment, were presented, read and accepted.

The resignation of John C. Slocumb, John Fowler and Henry Goodwin of Sampson county; of G. D. Holcomb of Surry; of Elijah Murrill of Onslow; of Charles Holland of Beaufort; of Lauchlin M'Kennon of Moore; of William M. Gold of Rutherford; of Solomon Jones of Ashe, and of William Hearing of Camden, justices of the peace of their respective counties, were presented, read and accepted.

The House then adjourned until 4 o'clock this evening.

SATURDAY, NOVEMBER 21, 1835.

On motion of Mr. M'Clure, ordered that a message be sent to the Senate, proposing to ballot immediately for a Comptroller of public accounts, and nominating for the appointment Nathan A. Stedman the present incumbent.

On motion of Mr. W. Horton, ordered that a message be sent to the Senate, proposing to ballot immediately for Secretary of State, and informing that William Hill the present incumbent is nominated for the appointment.

Mr. Dudley, from the committee appointed to conduct the balloting for a solicitor in the 5th judicial circuit, reported that Alexander Troy, had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

Mr. L. A. Gwyn, gave notice that he should on Monday next, move to rescind so much of the 29th rule of order as directs that "all petitions memorials, and other papers addressed to the House, shall not be debated or decided on the day of their first being read."

In compliance with the joint rule of order, Messrs. Smallwood, J. Harrison, Sloan and J. H. Perkins, were appointed a committee on enrolled bills.

A message from the Senate, agreeing to ballot immediately for Secretary of State, and informing that Messrs. Morehead and Bryan, form their branch of the balloting committee; ordered that Messrs. C. Wooten and Siler superintend said balloting on the part of the Commons.

On motion of Mr. Clingman,

Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of amending the road laws: and that they report by bill or otherwise.

A message from the Senate, informing of their disagreement to the pro-

position of this House, to ballot immediately for a comptroller of public accounts, and proposing that said balloting take place on Monday; the proposition of the Senate was concurred in.

A message from the Senate, informing that Messrs. Marsteller, Moyer of Greene, Kerr, Allison and Williams of Beaufort, form on the part of the Senate, the joint select committee on military affairs.

On motion of Mr. Hutchison, ordered that a message be sent to the Senate, proposing to ballot immediately for a public printer, and informing that Philo White is nominated for the appointment; on motion of Mr. Hall, the name of Thomas J. Lemay, was added to the nomination last mentioned, and the Senate so informed.

Mr. Siler presented the following resolution:

Whereas, Divers persons, purchasers of Cherokee lands have, owing to the great length of time which has elapsed since their purchases were made, transferred their engagements to others, and removed from the State; to remedy the inconveniences arising therefrom,

Resolved, That the joint select committee on Cherokee lands, be instructed to inquire into the expediency of directing the public treasurer in all such cases to exchange the bonds on file in the treasury department, for the bonds of the individuals to whom the land has been transferred, provided he shall be satisfied that the payment of the purchase money is not thereby rendered less secure.

The said resolution was read, and on motion of Mr. Jacocks, ordered to be laid on the table.

Mr. W. Horton, from the balloting committee for a Secretary of State, reported, that William Hill had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

A message from the Senate, agreeing to ballot immediately for a public printer, and informing that Messrs. Wilson and Marsteller, form their balloting committee; ordered that Messrs. Hall and Hill, form said committee on the part of this House.

Mr. J. W. Guinn, presented a bill authorizing the entering the unsurveyed lands, acquired by treaty from the Cherokee Indians, in the counties of Haywood and Macon, which was read the first time and passed, and on motion of Mr. Guinn, referred to the committee on Cherokee lands.

Mr. Graham presented a bill to allow further time for registering grants, proving and registering deeds, mesne conveyances, powers of Attorney, bills of sale and deeds of gift; and Mr. Sanders, a bill for the better regulation of the courts of pleas and quarter sessions for the county of Onslow; these bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution in favor of Jesse Wright, and asking the concurrence of this House; the said resolution was read the first time and passed.

On motion of Mr. Dudley, ordered that a message be sent to the Senate, proposing to ballot immediately for a Brigadier General of the 3d Brigade and 6th division; and informing that Alexander M'Rae, is nominated for the appointment.

On motion of Mr. Williamson, ordered that a message be sent to the Senate, proposing to ballot immediately for Colonel and lieutenant Colonel of Cavalry attached to the 16th Brigade; and informing that Henry R. Beard, is nominated for Colonel, and H. Stanfield, for lieutenant Colonel; on motion of Mr. Cotten the name of Charles R. Eaton, was added to the nomination for Colonel, and the Senate so informed.

A message from the Senate, agreeing to ballot immediately for a Brigadier General of the 3d Brigade and 6th division; and informing that Messrs.

Hussey and Hill, form the balloting committee on their part; ordered that Messrs. Baker and J. R. Walker, superintend said balloting on behalf of the Commons.

A message from the Senate, agreeing to the proposition of this House, to ballot immediately for cavalry officers of 16th Brigade; and informing that Messrs. Wyche and Kerr, form the committee to conduct the balloting on the part of the Senate; ordered that Messrs. Cotten and Jones, form said committee on behalf of the Commons.

Mr. Buie, presented the following resolution;

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the revenue laws by increasing the tax on Pedlers, and that they report by bill or otherwise.

Mr. Clark moved to amend said resolution, by striking out the whole thereof, after the word "resolved" and insert the following; "That there is a class of Merchants in this State, called Pedlers, the number of whom, has rapidly increased within a few years, is still increasing, and ought to be diminished.

Resolved, That the practices of the Pedlers are in a high degree corrupting of the morals of our citizens, fraudulent upon all good and unsuspecting people, and prejudicial to the interest of the regular and stationed merchants, whose success in any community, bespeak the prosperity and growth in wealth of that community.

Resolved, That the committee on the judiciary, be instructed to report a bill increasing the tax upon Pedlers' licences to such an extent as to make it exceedingly inconvenient for them hereafter, to collect in such numbers in this State.

The amendment was agreed to, and the resolution as amended, read and adopted.

Mr. A. Perkins introduced a bill to establish Pleasant Grove Academy, in the county of Currituck, and to incorporate the trustees thereof; and Mr. Sanders a bill to amend an act, entitled an act for the better administration of justice in the county of Onslow, and for other purposes; these bills were severally read the first time, and passed.

Mr. Hill from the committee appointed to conduct the balloting for public printer, reported that Philo White, had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

On motion of Mr. Carson, the petitions of the citizens of Rutherford and Buncombe, in relation to incorporating turnpike companies were referred to the committee on internal improvements.

Mr. Bryan presented the petition of Thomas White of Craven, praying to be divorced from his wife Mahala; the petition was on Mr. Bryan's motion referred to the committee on propositions and grievances.

The resignation of Allen Rogers as Colonel Commandant of the 39th regiment and 11th brigade of the militia, was presented, read and accepted.

The resignations of James H. Mumford of Onslow; of William Free of Randolph; of Alexander Little of Robeson, and of Arthur Tooly of Hyde, justices of the peace of their respective counties, were presented, read and accepted.

The House then adjourned until to-morrow morning 10 o'clock.

MONDAY, NOVEMBER 23, 1835.

Mr. L. A. Gwyn, in pursuance of notice given on Saturday last, now moved to amend the 29th rule of order; the question thereon was decided in the negative.

The Speaker laid before the House, the resignation of Daniel M. Bar-

ringer, one of the members elect from the county of Cabarrus; whereupon on motion of Mr. Hope, ordered that a writ of election be issued to the Sheriff of said county, directing him to hold an election on Monday the 30th inst. for a member to supply the vacancy in this body thus occasioned.

Messrs. Watson and M'Cleese, were appointed a committee to conduct the balloting for a comptroller of public accounts; received from the Senate a message informing that Messrs Kendall and Waugh, form said committee on their part.

Mr. Henry presented a bill to repeal an act entitled an act to elect a magistrate for the town of Wilmington, passed in 1818, which was read the first time and passed.

Mr. Baker, on behalf of the balloting committee, for a brigadier General of the third brigade and 6th division, reported that Alexander McRae had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr R. Jones, from the committee appointed to conduct the balloting for cavalry officers attached to the 16th brigade, reported that H. Stanfield, as lieutenant colonel, had received a majority of the whole number of votes, and was duly elected; and that neither person in nomination had received a majority as colonel. The report was concurred in. Whereupon, on motion of Mr. Hawkins, ordered that a message be sent to the Senate, proposing that another balloting be had immediately for colonel of cavalry in said brigade.

A message from the Senate, proposing that the two houses ballot immediately for brigadier general of the 1st brigade and 1st division of militia, and informing that James N. M'Pherson and Samuel Mercer are nominated for the appointment. The proposition was concurred in, and Messrs. Bell and Pickett appointed a committee to conduct the balloting: a message from the Senate, informing that Messrs. Lindsay and Tillett superintend said balloting on their part.

A message from the Senate, agreeing to ballot again immediately for a colonel of cavalry in the 16th brigade, and informing that Messrs. Wyche and Williams of Person form their balloting committee. Ordered that Messrs E. S. Bell and Borland superintend said balloting on the part of this House.

The resolution relating to an exchange of the bonds in the treasury given for the sale of Cherokee lands, which was on motion of Mr. Jacocks laid on the table, was now called up, and, on his motion, amended and passed.

A message from the Senate, informing that they had passed the engrossed resolution authorising the committee of Finance to burn such treasury notes as may be in the treasurer's office; and asking the concurrence of this House. The said resolution was read the first time and passed.

Mr. Lee presented a bill to legitimate John Willoughby and Ann Willoughby of the county of Bertie; which was read the first time and passed; and, on motion of Mr. Lee, referred to the committee on propositions and grievances.

Mr. Slade presented the following resolution:

Whereas, the Legislature, at its session, in the year 1823, passed a resolution in the following words: "Resolved, That the Secretary of State be, and he is hereby directed to issue to the trustees of the University of this State, warrants in each case on the muster roll of the continental line of this State, when warrants have not heretofore issued; and that the said trustees hold the same, and the land to be entered by virtue thereof, in trust for the officers and soldiers, who performed the military services for which said warrants shall issue."

provided, that if no claims be exhibited by the said officers and soldiers, or their legal representatives, within seven years from the first day of January next, the said trust shall cease and determine. And whereas, the limitation in said resolution has expired, and many honest claimants to said land warrants or lands founded on them, yet exist; therefore,

Resolved, that a select committee be raised for the purpose of enquiring into the necessity of legislation on this subject, and report to this House the result of such inquiry.

The said resolution was read and adopted.

Mr. J. W. Guinn presented the following resolution; which was read and adopted:

Resolved, That so much of the report of the Public Treasurer, as relates to the subject of the bonds given for the purchase of the Cherokee lands, be referred to the joint select committee on that subject.

Mr. Pickett, from the committee appointed to conduct the balloting for a brigadier General of the 1st brigade and 1st division, reported that James N. McPherson, had received a majority of the whole number of votes, and was duly elected. The report was agreed to.

Mr. Hutchison presented the certificate of the county court of Mecklenburg, in favor of Martha Thompson, a State pensioner; which was read and countersigned by the Speaker of this House, and sent to the Senate.

Mr. Hybart presented the certificate of the county court of Cumberland, in favor of Isabella Campbell, a State pensioner; which was read and countersigned by the Speaker of this House, and sent to the Senate.

Mr. Hoke moved that a message be sent to the Senate, proposing that the two Houses ballot immediately for a Governor of the State. Mr. Dudley moved that this motion lay on the table; and the question on Mr. Dudley's motion was decided in the negative--Ayes 57, Nays 67. The yeas and nays demanded by Mr. Guthrie,

Those who voted in the affirmative were, Messrs. Baker, Bedford, Benton, Brummell, Buie, Burgess, Carson, Chambers, Clarke, Clement, Clingman, Collins, Davenport, Dudley, Ervin, Foreman, Fleming, Gee, Gorrell, Graham, Granbury, Guthrie, Hall, Hammond, Harris, N. Harrison, Harper, Hope, J. Horton, W. Horton, Hoskins, Howard, Jacocks, Kelly, King, W. B. Lane, Lilly, Lindsay, Manly, Matthews, Moore, Muse, McCleese, McRae, J. H. Perkins, Poindexter, Rayner, Rogers, Rush, Siler, Smallwood, G. Smith, Swindell, Thomas, Thompson, Walton, Watts.

Those who voted in the negative were, Messrs. Bond, Braswell, Brown, Bryan, Byrd, Byrum, Cansler, Coor, Cotten, Deberry, Davis, Dodson, Dunn, Eator, Fitzrandolph, Frink, J. W. Guinn, L. A. Gwyn, J. Harrison, Hawkins, Henry, Hester, Hill, Hoke, Hooker, Howerton, Hunt, Hutcheson, Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, Kenan, I. W. Lane, Lee, Lyon, Moyer, J. A. D. McNeill, D. McNeill, McPherson, Neal, A. Perkins, Pippin, Powell, Riddick, Roebuck, Sanders, Slade, Sloan, J. L. Smith, G. Smith, Speller, Stallings, Stockard, Swanner, Taylor, Tomlinson, Tuton, J. R. Walker, J. H. Walker, Watson, West, Williamson, Witcher, Wooten.

Mr. Rayner moved to amend the motion of Mr. Hoke, by extending the time, in the proposition, to Thursday next. The question thereon was decided in the negative--Yeas 64, Nays 66. The yeas and nays demanded by Mr. Rayner,

Those who voted in the affirmative were, Messrs. Baker, Bedford, Bell, Benton, Bond, Borland, Brummell, Buie, Burgess, Carson, Chambers, Clarke, Clement, Clingman, Collins, Davenport, Dudley, Eaton, Erwin, Foreman, Fleming, Gee, Gorrell, Graham, Granbury, Guthrie, Hall, Hammond, Harris, N. Harrison, Harper, Hassell, Hope, J. Horton, W. Horton, Hoskins, Howard, Jacocks, Kelly, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Manly, Matthews, Moore, Muse, McCleese, McPherson, McRae, J. H. Perkins, Poindexter, Rayner, Rogers, Rush, Siler, Smallwood, G. Smith, Swindell, Thomas, Thompson, Walton, Watts.

Those who voted in the negative were, Messrs. Bell, Braswell, Brown, Bryan, Byrd, Byrum, Cansler, Coor, Cotten, Davis, Deberry, Dodson, Dunn, Fitzrandolph, Frink, J. W. Guinn, L. A. Gwyn, J. Harrison, Hawkins, Henry, Hester,

Hill, Hoke, Hooker, Howerton, Hunt, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, Kenan, I. W. Lane, Lee, Lyon, Moyer, J. A. McNeill, D. McNeill, Neal, A. Perkins, Pickett, Pippin, Powell, Riddick, Roebuck, Sanders, Slade, Sloan, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Taylor, Tomlinson, Tuton, J. R. Walker, J. H. Walker, Watson, West, Williamson, Witcher, Wooten.

The question recurring on the motion of Mr. Hoke, was therefore adopted. Whereupon, Mr. Hoke nominated Richard D. Spaight of Craven, and Mr. Dudley nominated William B. Meares of Sampson, for the appointment.

Mr. Thomas moved that the House adjourn until to-morrow morning 10 o'clock. The question thereupon was decided in the negative—Yeas 44, Nays 82. The yeas and nays demanded by Mr. Williamson,

Those who voted in the affirmative were, Messrs. Baker, Bedford, E. S. Bell, Benton, Bond, Carson, Chambers, Clarke, Collins, Davenport, Foreman, Fleming, Gee, Gorrell, Graham, Guthrie, Hall, Hammond, Harris, Hassell, Hope, W. Horton, Hoskins, Jacocks, Kelley, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Matthews, Moore, Muse, McCleese, McRae, J. H. Perkins, Poindexter, Rayner, Rush, Siler, Smallwood, Swindell, Thomas, Walton.

Those who voted in the negative were, Messrs. Bell, Borland, Braswell, Brown, Bryan, Buie, Burgess, Byrd, Byrum, Cansler, Clingman, Coor, Cotten, Davis, Deberry, Dodson, Dudley, Dunn, Eaton, Erwin, Fitzrandolph, Frink, Granbury, J. W. Guinn, L. A. Gwyn, J. Harrison, N. Harrison, Harper, Hawkins, Henry, Hester, Hill, Hoke, Hooker, J. Horton, Howard, Howerton, Hunt, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, Kenan, I. W. Lane, Lee, Lyon, Moyer, J. A. McNeill, D. McNeill, McPherson, Neal, A. Perkins, Pickett, Pippin, Powell, Riddick, Roebuck, Rogers, Sanders, Slade, Sloan, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Taylor, Thompson, Tomlinson, Tuton, J. R. Walker, J. H. Walker, Watson, Watts, West, Williamson, Witcher, Wooten.

Received from his Excellency the Governor, by his private Secretary, Mr. Coleman, a communication relating to the stock reserved to the use of the State in the Bank of the State of North Carolina. The communication was read, and, on motion of Mr. Dudley, ordered that so much thereof as relates to the taking of a part of said stock, by the Trustees of the University, and the president and directors of the Literary fund, be referred to the committee on education, and the balance of said communication, to the committee on Finance.

Mr. Williamson presented the petition of George Tapp of Person county, praying to be restored to the privileges of a citizen, forfeited on his conviction and punishment, for the crime of petit larceny; which was, on Mr. Williamson's motion, referred to the committee on propositions and grievances.

Mr. McCleese, from the committee appointed to conduct the balloting for a Comptroller of public accounts, reported that Nathan A. Stedman, had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Borland, from the committee appointed to conduct the balloting for a colonel of cavalry in the 16th brigade, reported that Charles R. Eaton had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

A message from the Senate, agreeing to the proposition of this House, to ballot immediately for a Governor of the State; and informing that

Messrs Polk and Marsteller form, on their part, the committee to conduct the balloting. Ordered that Messrs. Hoke and King form said committee on behalf of the Commons.

Before the balloting commenced for this officer, Mr. Lilly moved that the House adjourn. The question thereon was decided in the negative—Yeas 41, Nays 88. The yeas and nays called for by Mr. J. W. Guinn,

Those who voted in the affirmative were, Messrs. Baker, E. S. Bell, Benton, Bond, Buie, Burgess, Chambers, Collins, Davenport, Dudley, Eaton, Fleming, Gee, Gorrell, Graham, Granbury, Hall, Hammond, Harris, Hassell, W. Horton, Jacocks, Kelly, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Manly, Moore, Muse, McRae, J. H. Perkins, Rayner, Rogers, Rush, Siler, Smallwood, Swindell, Thomas, Walton.

Those who voted in the negative were, Messrs. Bedford, Bell, Borland, Braswell, Brown, Brummell, Bryan, Byrd, Byrum, Cansler, Carson, Clark, Clement Clingman, Coor, Cotten, Davis, Deberry, Dodson, Dunn, Erwin, Fitzrandolph, Foreman, Frink, J. W. Guinn, Guthrie, L. A. Gwyn, J. Harrison, N. Harrison, Harper, Hawkins, Henry, Hester, Hill, Hoke, Hooker, Hope, J. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, Kenan, I. W. Lane, Lee, Lyon, Moye McCleese, J. A. D. McNeill, D. McNeill, McPherson, Neal, A. Perkins, Pickett, Pippin, Poindexter, Powell, Riddick, Roebuck, Sanders, Slade, Sloan, Geo. Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Taylor, Thompson, Tomlinson, Tuton, J. R. Walker, J. H. Walker, Watson, Watts, West, Williamson, Witcher, Wooten.

The Speaker announced the appointment of the following select committee, consisting of Messrs. Slade, Jacocks, Clarke, Tomlinson and Thompson, on Mr. Slade's resolution of inquiry into certain warrants for military lands, issued to the Trustees of the University; and Messrs. Sanders, Muse, Lee, Moore, Coor, Taylor, Jordan, Williamson, Gorrell, Rush, Hutchison, Carson and Clingman, on so much of the message of his Excellency the Governor, as relates to the conduct of the Abolitionists.

Mr. King moved that the House adjourn until to-morrow morning 10 o'clock; the question on this motion was decided in the negative—Yeas 39, Nays 72. The yeas and nays called for by Mr. Kenan,

Those who voted in the affirmative, were, Messrs. Baker, Bedford, E. S. Bell, Benton, Chambers, Collins, Davenport, Dudley, Eaton, Foreman, Fleming, Gorrell, Graham, Granberry, Guthrie, Hall, Hammond, Harris, Hassell, Hope, Hoskins, Jacocks, Kelly, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Moore, Muse, M'Cleese, M'Rae, J. H. Perkins, Rush, Siler, Smallwood, Swindell, Thomas, Watson.

Those who voted in the negative, were, Messrs. Braswell, Brown, Bryan, Buie, Byrd, Byrum, Cansler, Carson, Clingman, Coor, Cotten, Davis, Deberry, Dodson, Dunn, Fitzrandolph, Frink, J. W. Guinn, L. A. Gwyn, J. Harrison, N. Harrison, Harper, Hawkins, Henry, Hester, Hill, Hoke, Hooker, Howerton, Hunt, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, Kenan, I. W. Lane, Lee, Lyon, Moye, J. A. D. M'Neill, D. M'Neill, Neale, A. Perkins, Pickett, Pippin, Powell, Riddick, Roebuck, Rogers, Sanders, Slade, Sloan, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Taylor, Thompson, Tomlinson, Tuton, J. R. Walker, J. H. Walker, Watson, Watts, West, Williamson, Witcher.

The bill to amend an act, entitled an act for the better administration of justice in the county of Onslow, and for other purposes; also the bill to establish Pleasant Grove Academy in the county of Currituck, and to incorporate the trustees thereof; also, the bill for the better regulation of the courts of pleas and quarter sessions of the county of Onslow; the bill to establish Ford Creek Academy, in the county of Granville, and to incorpo-

rate the trustees thereof; the bill to allow further time for registering grants, proving and registering deeds, mesne conveyances, powers of attorney, bills of sale and deeds of gift; and the resolution in favor of Bartlett Dills, jr. were each read the second time and passed; the bill to amend an act entitled an act for cutting a navigable canal, from the waters of Elizabeth river, in the State of Virginia, to the waters of Pasquotank river in North Carolina, passed in Virginia, December 1st 1787, was read the second and third times, passed and ordered to be engrossed; the engrossed resolution in favor of Jesse Wright, was read the second time and passed.

Mr. Howard moved that the House adjourn until to-morrow morning 10 o'clock; this question was decided in the negative—Yeas 24, Nays 79. The yeas and nays demanded by Mr. Hybart,

Those who voted in the affirmative, were, Messrs. Bedford, Borland, Brummell, Burges, Clement, Collins, Dudley, Erwin, Fleming, Graham, Granbury, Hammond, Harris, Hawkins, Hill, J. Horton, Howard, JACOBS, Manly, M'Cleese, J. H. Perkins, Rayner, Siler, Swindell.

Those who voted in the negative were Messrs. Benton, Braswell, Brown, Bryan, Buie, Byrd, Byrum, Cansler, Carson, Chambers, Clark, Clingman, Davis, Deberry, Dodson, Dunn, Fitzrandolph, Foreman, Frink, Gorrell, J. W. Guinn, L. A. Gwyn, J. Harrison, N. Harrison, Harper, Hassell, Henry, Hester, Hooker, Hope, W. Horton, Hoskins, Howerton, Hutchison, Hybart, Irion, Jervis, Jones, Kelly, I. W. Lane, Lee, Lindsay, Lyon, Matthews, Moore, Meye, J. A. D. M'Neill, D. M'Neill, M'Rae, Neale, A. Perkins, Pickett, Pippin, Poindexter, Powell, Riddick, Roebuck, Rogers, Rush, Sanders, Sloan, Smallwood, G. Smith, J. L. Smith, Giles Smith, Speller, Stockard, Swanner, Thompson, Tomlinson, Tuton, J. R. Walker, J. H. Walker, Walton, Watson, Watts, Williamson, Witcher, West.

The resignations of Alney Burgin, as Brigadier General of the 15th brigade of the militia; and of Asail Vick, as Colonel of the 22d regiment; were presented, read and accepted; the resignations of W. H. M'Leary and Thomas M'Call, justices of the peace of Mecklenburg; of Benjamin M'Neill of Wilkes, John Boon of Johnston, and Willie Bunting of Nash, justices of the peace; were presented, read, and accepted.

Mr. Hoke from the committee appointed to conduct the balloting for a Governor of the State, reported that Richard D. Spaight, had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

Mr. Tomlinson moved that the House do now adjourn; the question thereon was decided in the affirmative—Yeas 74, Nays 48. The yeas and nays demanded by Mr. Baker,

Those who voted in the affirmative were, Messrs. Bedford, H. Bell, E. S. Bell, Benton, Borland, Brown, Brummell, Bryan, Buie, Burges, Byrd, Cansler, Carson, Chambers, Clark, Coor, Davis, Dodson, Dudley, Dunn, Eaton, Erwin, Foreman, Graham, Granberry, J. W. Guinn, Harris, N. Harrison, Harper, Hawkins, Hoke, Hope, W. Horton, Hoskins, Howerton, Hunt, Hybart, JACOBS, Jeffreys, Judkins, Kelly, King, I. W. Lane, W. B. Lane, Lee, Lindsay, Loudermilk, Manly, Muse, J. A. D. M'Neill, D. M'Neill, M'Rae, Neale, J. H. Perkins, Pickett, Pippin, Poindexter, Rayner, Rush, Sanders, Siler, Slade, Sloan, J. L. Smith, Giles Smith, Stallings, Thomas, Thompson, Tomlinson, J. R. Walker, Walton, Watson, West, Williamson.

Those who voted in the negative, were, Messrs. Baker, Deberry, Braswell, Byrum, Clement, Clingman, Collins, Cotten, Davenport, Fitzrandolph, Frink, Gorrell, Guthrie, L. A. Gwyn, Hall, Hammond, J. Harrison, Henry, Hester, Hoskins, J. Horton, Hutchison, Irion, Jervis, Jones, Lilly, Lyon, Matthews,

Moore, Moye, M'Cleese, M'Pherson, A. Perkins, Powell, Riddick, Roebuck, Rogers, Smallwood, G. Smith, Speller, Stockard, Swanner, Swindell, Taylor, Tuon, Watts, Witcher, Wooten.

TUESDAY, NOVEMBER 24, 1835.

Mr. Hope moved that the time specified in the writ of election, directed to the Sheriff of Carbarrus, for the election of a member to supply the vacancy occasioned by the resignation of Daniel M. Barringer, be extended to Monday the 7th day of December next; the motion was agreed to.

Mr. Moye presented the petition of Aquilla S. Bennet, wife of John C. Bennet of Pitt county, praying for a divorce. Said petition was, on motion of Mr. Moye, referred to the committee on private bills.

The Speaker laid before the House a letter of Simeon B. Jewitt, Secretary of the Georgia Lumber company, praying the passage of a law for the incorporation of said company. The letter was read, and, on motion of Mr. Manly, referred to the committee on propositions and grievances.

Received from his Excellency, Governor Swain, by his private Secretary, a communication, transmitting the report of the president and directors of the Literary Fund for the present year. On motion of Mr. Manly, ordered that the same be sent to the Senate, with a proposition that the documents be printed.

Received from William Hill, Secretary of State, a communication, in answer to the call made upon him for information touching the quantity of lands granted by this State, and lying within the State of Tennessee.

Mr. Fleming presented a resolution founded on a memorial, signed by sundry citizens of Surry county, in favor of Josiah Vanderpool; which was read the first time and passed; and, on Mr. Fleming's motion, referred to the committee on propositions and grievances.

A message from the Senate, informing that Messrs. Polk, Edwards, Little, Moye of Green, Hill, Allison, Wellborn, Edmonston, Beasley, Kerr, Mebane, Wilson and Fox, form, on their part, the joint select committee, on so much of the message of his Excellency the Governor, as relates to the course of certain Northern Abolitionists.

A message from the Senate, informing that they had passed the engrossed bill to increase the capital stock of the Weldon toll bridge company; and asking the concurrence of this House. Said bill was read the first time and passed.

Mr. Manly introduced a bill to amend an act, entitled an act to establish the Merchants' Bank of the town of Newbern, passed at the last General Assembly; Mr. Kelly, a bill to abolish the office of county trustee in the county of Moore, and for other purposes; Mr. Clarke a bill to alter the time of holding the courts of pleas and quarter sessions for the county of Beaufort. Also a bill to amend an act passed in the year 1829, entitled an act for the better regulation of the town of Washington; and a bill to alter the times of holding the courts of pleas and quarter sessions for the county of Beaufort. These bills were read the first time and passed.

Received from the Senate, the pension certificates of Isabella Campbell of Cumberland; and of Martha Thompson of Mecklenburg. Countersigned by the Speaker of that body.

On motion of Mr. Hoke, ordered that a message be sent to the Senate, proposing to raise a joint select committee of two members, on the part of

each House, to wait upon the Governor elect, inform him of his election, and ascertain from him, on what day he will be prepared to take the oaths of office.

A message from the Senate, concurring in the proposition, and informing that Messrs. Polk and Edwards, form their branch of said committee, ordered that Messrs. Hoke and Witcher, form said committee on behalf of the Commons.

Mr. Clark moved that a message be sent to the Senate proposing that the two Houses, on Thursday next, ballot for a Solicitor in the second judicial circuit, nominating for the appointment Edward Stanly; on motion of Mr. Lunt, the name of James H. Bryan, and on motion of Mr. Kenan, the name of Stephen Miller, were added to the nomination.

On motion of Mr. Clarke, ordered that a message be sent to the Senate, proposing to ballot on Thursday next, for a judge of the superior court, to supply the vacancy occasioned by the death of Judge Seawell, and informing that the name of John L. Bailey, is nominated for the appointment.

A message from the Senate, agreeing to ballot on Thursday next, for a judge of the superior courts of law and equity.

A message from the Senate agreeing to print the message of his Excellency the Governor together with the report of the president and directors of the literary fund, this day transmitted.

A message from the Senate proposing to ballot on Friday next for Solicitor General, and informing that John F. Poindexter and John M. Dick, are in nomination for the appointment; the proposition was agreed to, when on motion of Mr. Cotten, the name of John S. Guthrie, and on motion of Mr. W. B. Lane, the name of John Scott were added to the nomination.

Mr. Dudley introduced a bill to authorize the commissioners of the town of Wilmington, to increase the taxes on all the property now taxed by law in said town; and Mr. Stallings a bill providing that no person shall fish with seine or net in the waters of the Handle, lying between great Alligator river and the Frying Pan, in the county of Tyrell, between sunset and day break; these bills were read the first time and passed; the bill to repeal an act, entitled an act to elect a magistrate for the town of Wilmington, passed in 1818, was read, and on motion of Mr. Dudley, laid on the table.

Mr. Taylor introduced a bill to alter the name of Martha Ann Screws, and to legitimate her; which was referred to the committee on private bills.

Mr. Pippin introduced a bill to amend an act, entitled an act for the regulation of the Patrol, passed in 1830, which was read the first time and passed; and on motion of Mr. Pippin, referred to the committee on the judiciary.

The bill to amend an act passed in the year 1829, entitled an act for the better regulation of the town of Washington.

Also the bill to abolish the office of county trustee in the county of Moore, and for other purposes, and

The resolution authorizing the committee of finance to burn such treasury notes as may be in the treasurer's office; were severally read the second time and passed.

The bill to establish Pleasant Grove Academy, in the county of Currituck, and to incorporate the trustees thereof.

Also the bill for the better regulation of the courts of pleas and quarter sessions for the county of Onslow.

Also the bill to amend an act, entitled an act for the better administration of justice in the county of Onslow, and for other purposes; also the bill to allow further time for registering deeds, mesne conveyances, powers of attorney, bills of sale and deeds of gift; also, the bill to establish Ford Creek Academy, in the county of Granville, and to incorporate the trustees thereof; and the resolution in favor of Bartlett Dills jr., were severally read the third time and passed, and ordered to be engrossed.

The engrossed resolution in favor of Jesse Wright, was read the third time, passed and ordered to be enrolled.

The resignation of Thomas T. Patterson, as lieutenant Colonel of the first regiment of Rockingham county militia, was read and accepted.

The bill to alter the times of holding the courts of pleas and quarter sessions for the county of Beaufort, was read the second time and passed.

The House then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, NOVEMBER 25, 1835.

Mr. Guthrie from the committee on Agriculture, to whom the subject had been referred, reported a bill concerning inspection of flour in the town of Fayetteville, which was read the first time and passed.

Mr. Hoke from the committee appointed to wait upon the Governor elect, and inform him of his election; reported that he was directed to inform the House that his Excellency would on the 10th day of the next month be ready to take the oaths of office.

Mr. J. W. Guinn from the committee on Cherokee lands reported a resolution directing the public treasurer not to commence suits upon the Cherokee bonds, until the first day of December, 1836; which was read the first time and passed.

Mr. Manly from the committee on the judiciary, to whom the subject had been referred, reported a bill to suppress more effectually the vice of gaming in this State; which was read the first time and passed.

A Message from the Senate informing that they had passed the engrossed bill to amend an act, entitled an act for cutting a navigable canal from the waters of Elizabeth river, in the State of Virginia, to the waters of Pasquotank river in North Carolina, passed in Virginia, 1st December, 1787, with an amendment and asking the concurrence of this House; the said amendment was read and agreed to.

A message was received from the Senate, informing of their agreement to ballot on Thursday next, for Solicitor, in the second judicial circuit.

Mr. J. H. Walker introduced a bill making it the duty of the Governor to convey to the justices of Haywood county court certain lands therein described, which was read the first time and passed.

Mr. Siler presented a bill to prevent the obstructing the passage of fish up Sugar Town Fork of the Tennessee River, in the county of Macon; which was read the first time and passed.

Mr. Byrum introduced a bill to amend an act, entitled an act making compensation to jurors of the county of Chowan.

Mr. Hoskins a bill to alter the time of opening and closing the polls of the elections, in the county of Chowan; and

Mr. Tuton a bill making compensation to tales jurors in the county of Robeson; these bills were read the first time and passed.

The bill to abolish the office of county trustee in the county of Moore, and for other purposes;

The bill to alter the times of holding the courts of pleas and quarter sessions for the county of Beaufort; and

The bill to amend an act passed in the year 1829, entitled an act for the better regulation of the town of Washington, were each read the third time, passed, and ordered to be engrossed.

A message from the Senate informing that the name of Frederick Nash, is added to the nomination for judge of the superior courts; on motion of Mr. Bryan, the name of Wright Stanley, was added to said nomination, and the Senate so informed.

Mr. J. L. Smith presented a bill making valid certain proceedings of the county courts of Haywood county; which was read the first time and passed.

The bill to amend an act, entitled an act to establish the merchants bank of the town of Newbern, was read the second time; Mr. Taylor moved to amend the bill by striking out the second section; the question on this motion was decided in the negative, and the bill passed its second reading.

The engrossed resolution authorizing the committee on finance, to burn such treasury notes as may be in the treasurer's office; was read the third time, passed, and ordered to be enrolled.

The bill to increase the capital stock of the Weldon Toll Bridge Company.

The bill to authorize the commissioners of the town of Wilmington, to increase the taxes on all the property now taxed by law in said town.

And the bill providing that no person shall fish with seine or net, in the waters of the Handle, lying between great Alligator river and the Frying Pan, in the county of Tyrrell, between sunset and day break, were severally read the second time and passed.

Received from his Excellency the Governor, by his private Secretary a communication transmitting a report with sundry accompanying documents from the commissioners appointed to revise and digest the statute laws of the State; on motion of Mr. Graham, ordered that the same be sent to the Senate with a proposition that it be referred to a joint select committee of six persons on the part of each House, and that the message of the Governor, and the report of the commissioners be printed; on motion of Mr. Clarke, ordered that so much of said message as relates to the compensation of a clerk to said commission, be referred to a select committee; said committee consists of Messrs Clark, Hoskins, Crump, Davis and Frink.

The resignation of John C. Ridley, as Col. Commandant of the 37th regiment; and of Lemuel Perkins, as Major of the 19th regiment; of Jesse M. Cherry of Pitt; and of Thomas M. Adams of Beaufort, justices of the peace of said counties; were presented, read and accepted.

The House then adjourned until to morrow morning 10 o'clock.

THURSDAY, NOVEMBER 26, 1835.

Hugh Waddell, the member elect from the county of Orange, to fill the vacancy occasioned by the death of James Forrest, appeared, produced his certificate, and was qualified according to law.

A message was received from the Senate, informing that the name of James W. Bryan, is withdrawn from the nomination for Solicitor in the second judicial circuit; ordered that Messrs. Neale and Davenport, form

the committee to conduct the balloting on the part of this House for said officer; a message from the Senate informing that Mr. Bryan and Mr. Williams of Beaufort form said committee on their part.

On motion of Mr. Pippin,

Resolved, that the committee of Finance be instructed to inquire into the expediency of amending the revenue law as to require persons listing their polls as taxable property, to list all they possess up to the first day of July, instead of the first day of April; and that they report by bill or otherwise.

Mr. Harris and Mr. Hassel, were appointed to conduct the balloting for a judge of the superior courts of law and equity.

Mr. Neale from the committee appointed to conduct the balloting for a Solicitor in the second judicial circuit, reported that Edward Stanley had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

Mr. Clingman presented the petition of certain citizens of Surry county, praying that a portion of said county may be annexed to the county of Rowan; which was referred to the committee on private bills.

Mr. Eaton presented the petition of Lucy Calvert of Granville county, wife of Thomas Calvert, praying to be divorced from her said husband which was on motion of Mr. Eaton, referred to the committee on propositions and grievances.

Mr. Byrd presented the petition of John Masters of Yancy county, heretofore convicted and punished for petit larceny, praying to be restored to credit; which was referred to the committee on private bills.

A message from the Senate informing that Messrs. Waugh and Hogan are appointed a committee to conduct the balloting for a judge of the Superior courts.

Mr. E. S. Bell presented the following resolutions; which were read and adopted.

Resolved, That the committee on the Judiciary be instructed to inquire what alterations (if any) are requisite to be made in the several existing statutes regulating the county courts, of this State, so as to promote the better administration of justice in said courts.

Resolved further, That the said committee be instructed to inquire into the expediency of amending the various statutes, increasing and giving jurisdiction to a single magistrate, so as to enable and empower him whenever any of the parties to any suit or controversy brought before him, may require it to summon a jury for the better adjudication of said suit or controversy, and to fix a limit in the amount of the judgments of said magistrate for all sums below which the party cast shall be precluded from appealing to the county court.

Mr. Siler presented the petition of Elizabeth Silva, wife of David Silva of Macon county, praying to be divorced; which was referred to the committee on propositions and grievances.

Mr. Fleming introduced a bill to legitimate Thomas Petit of Surry county; which was read the first time and passed; and on motion of Mr. Fleming referred to the committee on private bills.

Mr. Hassell from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one had received a majority of the whole number, and that there was no election; the report was concurred in; on motion of Mr. Dudley, the name of John D. Toomer, was added to the nomination, and on motion of Mr. Graham, ordered that a message be sent to the Senate, proposing that another balloting be had immediately for said officer.

A message from the Senate, agreeing to ballot as thus proposed, and informing that Mr. M'Cormick and Mr. Hatrison, form their branch of the

balloting committee; ordered that Messrs Bryd and Buie, conduct said balloting on behalf of this House.

A message from the Senate, agreeing to the proposition of this House to print the message of his Excellency the Governour, together with the accompanying report of the commissioners, appointed to revise and digest the public statute laws of the State, and to refer the same to a joint select committee; and informing that Messrs. Wilson, Wyche, Bryan, Edwards, Morehead and Mebane, form their branch of said committee: ordered that Messrs. Graham, Clark, Carson, Manly, Hybart and J. W. Guinn, compose said committee on the part of this House.

On motion of Mr. Hybart,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending the revenue laws of this State so far as regards the store tax.

Mr. J. H. Walker presented a memorial from the county court of Haywood, praying that the Assembly would make a donation to said county for public purposes, of the State lands lying within the limits thereof; the said memorial was on motion of Mr. Walker, referred to the committee on finance.

A message from the Senate, informing that they had passed the engrossed resolution requiring the public treasurer to procure specie change for the redemption of the treasury notes; and asking the concurrence of this House; the said resolution was read the first time and passed.

Mr. Graham from the committee on education, to whom the subject had been referred, reported a bill to allow the trustees of the University of North Carolina, and the president and directors of the Literary Fund, to subscribe for and take certain portions of the stock reserved to the State, in the Bank of the State of North Carolina; the said bill was read the first time and passed; and on motion of Mr. King, ordered to be printed.

Mr. Dudley from the committee on Internal Improvement, to whom was referred the petition of Archibald R. Hunter of Macon county, upon the subject of a Turnpike road, reported unfavorably thereon; and asked that the committee be discharged from the further consideration of the subject; the report was concurred in.

Mr. Dudley from the same committee, reported unfavorably on the petition of sundry citizens of Macon county, on a similar subject, and asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Hawkins from the committee on military affairs, reported a bill to amend an act passed in the year 1825, directing the manner in which the regiments of Infantry of this State shall hereafter be reviewed; which was read the first time and passed.

Mr. J. W. Guinn from the committee on Cherokee lands, to whom was referred the bill authorizing the entering the unsurveyed lands acquired by treaty from the Cherokee Indians in 1817 and 1819, in the counties of Haywood and Macon, reported favorably thereon; when the said bill was read the second time and passed.

Mr. J. W. Guinn from the committee on propositions and grievances, to whom the matter had been referred, reported a bill to divorce Thomas White of Craven county, from his wife Mahala; which was read the first time and passed.

Mr. Jervis introduced a bill to pay jurors in Yancy county.

Mr. Kelly a bill to repeal the 2d section of an act passed in the year 1831, entitled an act to amend in part an act passed in the year 1829, entitled an act to compel the trustees of Moore, Chowan and Robeson counties to pay the jurors in reference to other claims, so far as respects the county of Moore; and Mr. Thompson a bill regulating constables in the county of Onslow; these bills were read the first time and passed.

The bill making it the duty of the Governor to convey certain lands therein described, was on motion of Mr. J. H. Walker referred to the committee on finance.

The bill concerning inspector of flour in the town of Fayetteville, was on motion of Mr. Hybart, laid on the table.

The bill to suppress more effectually the vice of gaming in this State; the resolution directing the public treasurer not to commence suits upon the Cherokee bonds, until the 1st of December, 1836; the bill to alter the time of opening and closing the polls of the election in the county of Chowan; the bill to prevent the obstructing the passage of fish up Sugar Town Fork of the Tennessee river, in the county of Macon, the bill to amend an act, entitled an act making compensation to jurors of the county of Chowan; the bill making compensation to tales jurors in the county of Robeson; and the bill making valid certain proceedings of the county courts of Haywood county, were severally read the second time and passed.

The bill to amend an act, entitled an act to establish the merchants bank in the town of Newbern; the bill to authorize the commissioners of the town of Wilmington, to increase the taxes on all property now taxed by law, in said town; and the bill providing that no person shall fish with seine or net, in the waters of the Handle, lying between great Alligator river, to the Frying Pan in the county of Tyrrell between sunset and day break; were each read the third time, passed and ordered to be engrossed.

The engrossed bill to increase the capital stock of the Weldon Toll Bridge Company, was read the third time, passed and ordered to be enrolled.

The resignation of Robert Broadnoy, as a justice of the peace, of the county of Rockingham, was presented, read and accepted.

The House then adjourned until to-morrow morning 10 o'clock.

FRIDAY, NOVEMBER 27, 1835.

Mr. Graham from the committee on the judiciary, to whom the subject has been referred, reported a bill to regulate the practice of hawking and peddling in this State; which was read the first time and passed.

Mr. Graham from the same committee, to whom was referred the bill to amend an act, entitled an act for the better regulation of the patrol, passed in 1830, reported the same with sundry amendments; the said bill with the amendments, was thereupon read the second time and rejected.

On motion of Mr. J. W. Guinn, leave of absence from the service of the House, was granted to Mr. Deberry from this day, until Monday next.

On motion of Mr. Clarke, the bill to regulate the practice of hawking and peddling in the State, was ordered to be printed.

Mr. Guthrie from the committee on private bills, to whom was referred the bill to alter the name of Martha Ann Screws, and to legitimate her, reported the same without amendment; the said bill was read the second time and passed.

Mr. Graham from the committee on the judiciary, to whom was referred

a resolution directing them to inquire into the expediency of amending the road laws, reported against further legislation on that subject, and asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Hassell from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in. Mr. M'Pherson moved that a message be sent to the Senate, proposing another balloting immediately for said officer; and Mr. Hybart moved to amend the proposition, by postponing the balloting until Monday next; the question on the amendment was decided in the negative—Yeas 32, Nays 95. The yeas and nays demanded by Mr. M'Cleese.

Those who voted in the affirmative were, Messrs. Bedford, Braswell, Byrum, Cansler, Clement, Dodson, Fitzrandolph, Frink, J. W. Guinn, L. A. Gwyn, N. Harrison, Hoke, Harper, W. Horton, Hutchison, Hybart, Irion, Jervis, Jones, Jordan, I. W. Lane, Lee, Moye, J. A. D. McNeill, D. McNeill, Powell, Roebuck, Siler, Speller, Tuton, Watson, Witcher.

Those who voted in the negative were, Messrs. Baker, Bell, E. S. Bell, Benton, Bond, Borland, Brown, Brummell, Bryan, Buie, Burgess, Byrd, Chambers, Clark, Clingman, Coor, Cotten, Crump, Davenport, Davis, Dudley, Dunn, Eaton, Erwin, Foreman, Fleming, Gary, Gee, Gorrell, Graham, Guthrie, Hammond, Harris, J. Harrison, Harper, Hassell, Hawkins, Henry, Hester, Hill, Hope, J. Horton, Hoskins, Howard, Howerton, Hunt, Jacocks, Jeffreys, Judkins, Kenan, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Lyon, Manly, Mathews, Moore, Muse, McCleese, McPherson, McRae, Neal, A. Perkins, J. H. Perkins, Pickett, Pippin, Poindexter, Rayner, Rogers, Rush, Sanders, Sloan, Smallwood, Geo. Smith, J. L. Smith, Giles Smith, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Thompson, Tomlinson, J. H. Walker, J. R. Walker, Walton, Watts, West, Whitley, Williamson, Wooten, Waddell.

The question recurring on the motion of Mr. M'Pherson was decided in the affirmative.

A message from the Senate, agreeing to ballot immediately for a judge, and informing that the name of Edward Hall of Warren, is added to the nomination, and that Messrs. Joiner and Arrington, form their balloting committee, ordered that Messrs. Tuton and Burges, superintend said balloting on the part of this House.

On motion of Mr. Jacocks,

Resolved, That the public treasurer report to the House the amount of principal of the bonds in his office, given for the purchase of the Cherokee lands, the amount paid, the probable amount due of principal and interest; the probable amount unpaid; and whether or not any of said lands have been abandoned by the purchasers, and if so what amount; and any other information upon the subject of importance in his possession; and that he report at as early a day as possible.

Mr. Muse presented a memorial of sundry citizens of Elizabeth City and its vicinity, upon the subject of establishing a bank in said town; the said memorial was read, and on motion of Mr. Muse, referred to a select committee; said committee consists of Messrs. Muse, M'Pherson, Hoskins, Collins and Waddell.

Mr. Pickett presented a bill to repeal in part the 13th section of an act authorizing the making a turnpike road in the county of Buncombe, passed in 1824; which was read the first time and passed.

Mr. Hutchison presented a resolution in favor of Mathew Miller, which was read the first time and passed; and on motion of Mr. Hutchison, referred to the committee on propositions and grievances.

Mr. Tuton from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

A message from the Senate informing that Messrs. Hogan and Edmonston, attend this House, to conduct the balloting for a Solicitor General, as heretofore agreed on by the two Houses; ordered that Messrs George Smith and Giles Smith superintend said balloting on the part of the Commons.

Mr. Guthrie from the committee on private bills, to whom the subject was referred, reported a bill to divorce Aquilla S. Bennett of the county of Pitt, from her husband John C. Bennett; the said bill was read the first time and passed.

Mr. Lyon introduced a bill to prevent the felling of timber in or otherwise obstructing the run of Ellis's Creek in Bladen county; and Mr. Moore a bill to amend an act, entitled an act concerning the draining of low lands, passed in the year 1795; these bills were read the first time and passed.

Mr. George Smith from the committee appointed to conduct the balloting for Solicitor General, reported that no one had received a majority of the whole number of votes, and there was no election; the report was concurred in; the name of John S. Guthrie, was, on motion of Mr. Cotten, withdrawn from the nomination.

A message from the Senate, proposing to ballot immediately for a judge of the superior courts; the proposition was agreed to, and Messrs. Walton and Tomlinson, appointed a committee to conduct the balloting; a message from the Senate, informing that Messrs Morehead and Exum, form their branch of said committee.

A message from the Senate, proposing to ballot immediately for Solicitor General; the proposition was agreed to, and Mr. Cotten and Mr. Watts appointed a committee to conduct the balloting; a message from the Senate, informing that Messrs. Moore and Hussey, form said committee on their part.

Mr. Jervis introduced a bill to alter and amend an act passed in 1834, chapter 124, entitled an act appointing commissioners to lay off a road from Morgantou in Burke county, by Burnsville and Barnetts station, to the Tennessee river; which was read the first time and passed.

The bill to amend an act passed in 1825, directing the manner in which the regiments of Infantry shall hereafter be reviewed; was read the second time and rejected.

The vote rejecting the bill to amend an act passed in 1830, entitled an act for the regulation of Patrol, was on motion of Mr. Foreman reconsidered; and on motion of Mr. Clark, said bill was laid on the table; the bill to repeal the 2nd section of an act passed in the year 1831, entitled an act to compel the trustees of Moore, Chowan and Robeson counties, to pay the jurors in preference to other claims, so far as respects the county of Moore; the bill to pay jurors in Yancy county; the bill to divorce Thomas White of Craven county, from his wife Mahala; the bill regulating constables in the county of Onslow; and the resolution requiring the public treasurer to procure specie change for the redemption of the treasury notes; were each read the second time and passed.

The bill to alter the time of opening and closing the polls of the election in the county of Chowan; the bill to prevent the obstructing the passage of

of fish up Sugar Town Fork of the Tennessee river in the county of Macon; the bill making compensation to the tales jurors in the county of Robeson; the bill making valid certain proceedings of the county courts of Haywood county; the bill to suppress more effectually the vice of gaming in this State; the bill to amend an act, entitled an act making compensation to the jurors of the county of Chowan; and the resolution directing the public treasurer not to commence suits upon the Cherokee bonds until the first day of December 1836, were severally read the third time, passed, and ordered to be engrossed.

The House then adjourned until to-morrow morning 10 o'clock.

SATURDAY, NOVEMBER 28, 1835.

On motion of Mr. Hester, leave of absence from the service of the House from this day, until Monday next, was granted to Mr. Eaton.

Mr. Cotten from the balloting committee for Solicitor General, reported that John F. Poindexter had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

Mr. Walton from the balloting committee for a judge of the superior courts, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in; the name of John D. Toomer was on motion of Mr. Dudley withdrawn from the nomination; and on motion of Mr. M'Cleese, ordered that a proposition be sent to the Senate for another balloting immediately for said officer.

Mr. King presented the certificate of the county court of Iredell, in favor of Mary Sloane, a State pensioner; which was read, and on motion of Mr. King, ordered that it be countersigned by the Speaker, and transmitted to the Senate.

A message from the Senate, agreeing to ballot again, immediately for a judge of the superior courts; and informing that Messrs. Mebane and Moye of Pitt, form the committee on their part to conduct the balloting; ordered that Messrs. Whitley and Hooker, form said committee on the part of this House.

Mr. J. W. Guinn presented the following resolution, which was read and adopted:

Whereas, a resolution was adopted on yesterday, calling upon the public treasurer to communicate to this House, the aggregate amount now due for the purchase of Cherokee lands, and other information appertaining to the same.

Be it therefore resolved, That the public treasurer be requested to communicate to the House, first, the amount of the whole purchase of the Cherokees lands, and shew the amount of each individual purchase; secondly, the amount paid by each individual purchaser; thirdly, show the amount now due from each purchaser; and that this information accompany the report called for by the before recited resolution.

The bill to alter the name of John Pettis Johnson of Warren county, and to legitimate him, was on motion of Mr. Hawkins, recommitted to the committee on propositions and grievances.

Mr. Whitley from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

Mr. Guthrie presented a bill to prohibit sheriffs and their deputies from executing the office of constables in civil cases; and Mr. J. R. Walker a bill appointing commissioners to run the division line between the counties of New Hanover and Bladen; these bills were read the first time and passed.

Mr. Carson presented a report from the commissioners, appointed to superintend the building of the Capitol, which was read; and on motion of Mr. Carson, ordered that a message be sent to the Senate, proposing to raise a joint select committee on public buildings, and that said report be printed and referred to said committee.

A message from the Senate proposing that another balloting be had immediately for a judge of the superior courts; the proposition was agreed to, and Messrs Roebuck and J. H. Walker, appointed a committee to conduct the balloting; a message from the Senate informing that Messrs. Williams of Franklin, and Edmonston form said committee on their part.

A message from the Senate, informing that they had passed the following engrossed bills, viz: a bill to authorize a subscription upon the part of this State, to the capital stock of the Oconalufy Turnpike Company; a bill amendatory of the act passed in the year 1822, entitled an act for the relief of debtors for debts which may be contracted after the first day of May next; and a bill to repeal so much of an act passed in the year 1831, entitled an act to incorporate the Charlotte Fire Engine Company as exempts the members of said company from performing military duty, and asking the concurrence of this House; these bills were read the first time and passed.

A message from the Senate informing that they had passed the engrossed bill to alter the time of holding the courts of pleas and quarter sessions for the county of Beaufort, with an amendment, and asking the concurrence of this House; the amendment was read and agreed to.

Mr. J. W. Guinn from the committee on propositions and grievances, to whom was referred the bill to legitimate John Willoughby and Ann Willoughby of the county of Bertie, reported the same without amendment; when the said bill was read the second time and passed.

Mr. Clark moved that the vote of the House on yesterday, rejecting the bill to amend an act passed in 1825, directing the manner in which the regiments of Infantry shall hereafter be reviewed, be now reconsidered; this motion was decided in the affirmative; the said bill was on motion of Messrs. Fleming and Guthrie, amended, and again rejected.

The bill to pay jurors in Yancy county, was read the third time, passed, and ordered to be engrossed.

The bill to alter the name of Martha Ann Screws, and to legitimate her, was read the third time; Mr. King moved that said bill be indefinitely postponed; the question thereon was decided in the negative—Yeas 41, Nays 84. The yeas and nays demanded by Mr. King,

Those who voted in the affirmative, were, Messrs. Baker, Benton, Braswell, Buie, Burgess, Canster, Carson, Clarke, Clingman, Davenport, Dudley, Dodson, Gary, Gorrell, Graham, L. A. Gwyn, Hall, N. Harrison, Hoke, Hope, J. Horton, Howard, Irion, Jacobs, Kelly, Kenan, King, Lindsay, Manly, Mathews, Moore, Muse, M'Pherson, M'Rae, J. H. Perkins, Rayner, Sanders, Sloan, Thomas, Waddell, Williamson.

Those who voted in the negative, were, Messrs. Bedford, T. Bell, E. S. Bell, Bond, Borland, Brummell, Bryan, Byrd, Byrum, Chambers, Clement, Cotten, Crump, Dunn, Erwin, Fitzrandolph, Foreman, Fleming, Frink, Gee, J. W. Guinn, Guthrie, Hammond, Harris, J. Harrison, Harper, Hassell, Hawkins, Henry, Hester, Hill, Hooker, W. Horton, H. skins, Howerton, Hunt, Hutchison, Hybart, Jeffreys, Jervis, Jones, Judkins, L. W. Lane, W. B. Lane, Lee, Lilly, Londermilk, Lyon, M'ye, M'Cleese, J. A. D. M'Neill, D. M'Neill, Neale, A. Perkins, J. Pickett, Pippin, Poindexter, Powell, Roebuck, Rogers, Rush, Siler,

Smallwood, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swaner, Swindell, Taylor, Thompson, Tomlinson, Tuton, J. R. Walker, J. H. Walker, Walton, Watson, Watts, West, Whitey, Witcher, Wooten.

The question, shall the said bill pass its third reading and be engrossed? was thereupon decided in the affirmative.

Mr. J. H. Walker from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one had received a majority of the whole number of votes, and there was no election; the report was concurred in; the name of Wright Stanley was, on motion of Mr. Bryan, withdrawn from the nomination; a message from the Senate, proposing another balloting immediately for this office, and informing that the name of Edward Hall is withdrawn from the nomination. The proposition of the Senate was agreed to, and Messrs Waddell and Thomas Bell, appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Wilson and Reid, form said committee on their part.

Mr. Dudley introduced a bill to amend an act, entitled an act to incorporate the Wilmington and Raleigh Rail Road company; which was read the first time and passed; and, on motion of Mr. Waddell, ordered that it be printed, and referred to the committee on Internal Improvement.

Mr. Swindell introduced a bill to repeal an act passed in 1833, entitled an act directing the judges of the Superior courts of Hyde county, not to take up State cases before the third day of court; which was read the first time and passed.

The bill to divorce Thomas White of Craven county, from his wife Mahala, was read the third time, passed, and ordered to be engrossed.

The resignations of W. Greenway and George Deal, as justices of the peace of the county of Burke, received from the Senate, were read and accepted.

The House then adjourned until Monday morning 10 o'clock.

MONDAY, NOVEMBER 30, 1835.

Mr. Waddell, from the committee appointed to conduct the balloting for a judge of the Superior courts, reported that no one had received a majority of the whole number of votes; and that there was no election. The report was concurred in.

A message was received from the Senate, proposing another balloting immediately for a judge of the Superior courts. The proposition was agreed to. The name of John M. Dick of Guilford county was, on motion of Mr. Hutchison, added to the nomination; and Messrs. Gary and Mr. Jordan, were appointed a committee to conduct the balloting.

Mr. Waddell was added to the select committee, raised on the petition of the devisees and Heirs of Cathcart, in the place of Mr. Slade excused.

A message from the Senate, informing that the name of Frederick Nash is withdrawn from the nomination for a judge of the Superior courts; and that Messrs. Wilson and Morehead, form their branch of the committee to conduct the balloting.

Mr. Guthrie, from the committee on private bills, to whom was referred the petition of John Masters, reported a bill, to restore to credit John Masters of Yancy county; which was read the first time and passed.

The resignation of Levi Sowls, as a justice of the peace of the county of Columbus, was presented, read and accepted.

Mr. Gary, from the committee appointed to conduct the balloting for a judge of the superior courts, reported that John M. Dick had received a majority of the whole number of votes; and that he was duly elected. The report was concurred in.

A message from the Senate, informing that they had passed the following engrossed bills, and asking the concurrence of this House, viz: A bill defining the duty of the county courts, in appointing patrols, and the duty of patrols; a bill to incorporate the Deep River gold mining company; a bill to divorce Elizabeth H. McCaw of Rowan, from her husband William B. McCaw; a bill to divorce Catharine Parks, from her husband Gabriel Parks; a bill to authorize David Thally of New Hanover county, to erect a bridge across the north-east branch of the Cape Fear river; and a bill to authorize Hardin Franklin, of the county of Surry, to erect a dam across Fisher's river. These bills were each read the first time and passed,

The House now proceeded the orders of the day, and took up the resolutions heretofore submitted by Mr. Clingman, relating to the public lands. After discussion had thereon, the said resolutions were, on motion of Mr. Clingman, amended; and on motion of Mr. Hybart, the further consideration thereof postponed until to-morrow.

A message from the Senate, informing that they had passed the engrossed bill to alter the time of opening and closing the polls of the elections in the county of Chowan, with an amendment; and asking the concurrence of this House. The amendment was read and agreed to.

Mr. Stockard presented a memorial from the officers of the third regiment of Orange county militia, relating to an alteration of the militia laws; which was, on motion of Mr. Stockard, referred to the committee on military affairs.

The resolution requiring the public Treasurer to procure specie change, for the redemption of the Treasury notes, was read the third time, passed, and ordered to be enrolled.

The bill to repeal the 2d section of an act passed in the year 1831, entitled an act to amend, in part, an act passed in the year 1829, entitled an act to compel the trustees of Moore, Chowan, and Robeson counties, to pay the jurors in preference to other claims, so far as respects the county of Moore; the bill to legitimate John Willoughby and Ann Willoughby, of the county of Bertie; and the bill regulating constables in the county of Onslow, were each read the third time, passed, and ordered to be engrossed.

The bill to divorce Aquilla S. Bennett, of the county of Pitt; the bill to repeal so much of an act, passed in the year 1831, entitled an act to incorporate the Charlott fire engine company, as exempts the members of said company from performing military duty; the bill to prevent the felling of timber in or otherwise obstructing the run of Elli's Creek in Bladen county; and the engrossed bill to amend an act, entitled an act concerning the draining of low lands, passed in the year 1795, were each read the second time and passed.

The bill authorizing the entering the unsurveyed lands acquired by treaty from the Cherokee Indians, A. D. 1817 and 1819, in the counties of Haywood and Macon, was read the third time; and Mr. JACOBS moved that said bill lie on the table. The question was decided in the negative, and the said bill passed its third reading, and was ordered to be engrossed.

The bill to allow the trustees of the University of North Carolina, and

the president and directors of the literary fund, to subscribe for and take certain portions of the stock reserved for the State, in the Bank of the State of North Carolina, was read the second time and passed.

On motion of Mr. Coor, leave of absence from the service of the House, from this day until Saturday next, was granted to Mr. Davis.

The House then adjourned until to morrow morning 10 o'clock.

TUESDAY, DECEMBER 1, 1835.

Mr. J. W. Guinn, from the committee on propositions and grievances, to whom the subject was referred, reported a bill to divorce Lucy Calvert from her husband Thomas Calvert; which was read the first time and passed.

Mr. J. W. Guinn, from the same committee, reported a bill to divorce Elizabeth Silva; which was read the first time and passed.

Mr. J. W. Guinn, from the same committee, reported unfavorably on the resolution in favor of Josiah Vanderpool of Surry county; and asked to be discharged from the further consideration thereof. The committee was accordingly discharged; and, on motion of Mr. Fleming, the said resolution was referred to the committee on Education.

Mr. Clement presented a petition from sundry citizens of Rowan county, together with a bill to carry their prayer into effect, entitled a bill for dividing the county of Rowan. The said bill was read the first time and passed, and, on motion of Mr. Clement, referred, together with the petition, to a select committee. Said committee consists of Messrs. Waddell, Dudley, Manly, Cotten and Clingman.

Mr. Hybart presented a bill to incorporate the Planter's and Mechanics' Bank of Fayetteville; which was read the first time and passed; and, on motion of Mr. Hybart, referred to a select committee; which committee is composed of Messrs. Hybart, Chambers, McRae, Hoke and Jordan.

Mr. Poindexter presented the petition of Isaac Cheatam of Stokes county, praying to be divorced; which was, on motion of Mr. Poindexter, referred to the committee on propositions and grievances.

Mr. Clarke presented a bill to establish the Merchants' and Farmers' Bank in the town of Washington; which was read the first time and passed.

A message from the Senate, proposing that the two Houses ballot immediately for a brigadier general of the 15th brigade. On motion of Mr. Carson, said message was laid on the table, and a proposition sent to the Senate, that said balloting be had to-morrow.

A message from the Senate, agreeing to the proposition of this House, to raise a joint select committee on the public buildings; and that the report of the commissioners, charged with the superintending the re-building of the State Capitol, be printed, and referred to said committee; and informing that Messrs. Hill, Cooper of Martin, Kendall, Reid and Whitaker, form their branch of said committee. Ordered that Messrs. Carson, Waddell, Dudley, and Collins, compose this committee, on behalf of the Commons.

Mr. Graham presented a bill to incorporate the Raleigh and Gaston Rail Road company; which was read the first time and passed, and, on motion of Mr. Graham, ordered to be printed.

Mr. Jacobs, from the committee on finance, to whom the subject was referred, reported of bill to amend an act passed in the year 1784, so far as it respects the listing of taxable property; which was read the first time and passed.

Mr. Dudley, from the committee on Internal Improvement, reported the

bill, referred to them, entitled a bill to amend an act, entitled an act to incorporate the Wilmington and Raleigh Rail Road company, with sundry amendments. Said bill and amendments were, on motion of Mr. Clingman, ordered to be laid on the table.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act to establish the Merchants' Bank of the town of Newbern, with an amendment; asking the concurrence of this House. The said amendment was read and disagreed to, and the Senate so informed.

The House proceeded to the special orders of the day, and again resumed the consideration of the resolutions relating to the public lands. Mr. J. W. Guinn offered the following amendments, viz: "In the 7th line of the second resolution, after the words "shall be," strike out the balance of said resolution, and insert the words "according to their respective and usual proportions in the general charge and expenditure incurred by them in support of the United States; and that the lands of Florida and Louisiana, which were acquired by the joint treasury of all the States, their proceeds ought to be divided among the States, in proportion to their federal population." Pending the question on the adoption of this amendment, the House, on motion of Mr. Rayner, postponed the further consideration thereof, till to-morrow.

The bill to amend an act, entitled an act concerning the draining of low lands, passed in the year 1795, was read the third time and passed, and ordered to be engrossed.

The bill to repeal in part, the 13th section of an act authorizing the making a turnpike road in the county of Buncombe, passed in the year 1824, was read the second time and passed.

The bill to prohibit Sheriffs, by their deputies, from executing the office of constable in civil cases, was read the second time, amended on Mr. Taylor's motion; and the question, shall the said bill pass its second reading, as amended? was decided in the negative—Yeas 27, Nays 98. The yeas and nays called for by Mr. Hutchison,

Those who voted in the affirmative were, Messrs. T. Bell, E. S. Bell, Braswell, Brown, Brummell, Clement, Coor, Cotten, Davenport, Dodson, Eaton, Guthrie, N. Harrison, Henry, Judkins, Kelley, W. B. Lane, Lee, Loudermilk, Roebuck, Rush, Sanders, Siler, J. L. Smith, Swanner, Swindell, Taylor.

Those who voted in the negative were, Messrs. Baker, Bedford, Benton, Borland, Bryan, Buie, Burgess, Byrd, Byrum, Cansler, Carson, Chambers, Clarke, Clingman, Crump, Deberry, Dudley, Dunn, Erwin, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gee, Gorrell, Graham, J. W. Guinn, L. A. Gwyn, Hall, Hammond, Harris, J. Harrison, Harper, Hassell, Hawkins, Hill, Hoke, Hooker, Hope, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Irion, Jacocks, Jeffreys, Jervis, Jones, Kenan, King, I. W. Lane, Lilly, Lindsay, Lyon, Manly, Matthews, Moore, Moye, Muse, McCleese, J. A. McNeill, D. McNeill, McPherson, M. Rae, Neal, J. H. Perkins, A. Perkins, Picket, Pippin, Poindexter, Powell, Rayner, Rogers, Sloan, Smallwood, George Smith, Giles Smith, Speller, Stockard, Thomas, Thompson, Tomlinson, Tuton, Waddell, J. H. Walker, Walton, Watson, Watts, West, Whitley, Williamson, Witcher, Wooten.

A message from the Senate, agreeing to the proposition of this House, to ballot on to-morrow for a brigadier general of the 15th brigade.

The House then adjourned until to-morrow morning 10 o'clock,

WEDNESDAY, DECEMBER 2, 1835.

A message was received from the Senate, informing that they had passed the following engrossed bills, viz: A bill to amend an act, entitled an act to incorporate the Roanoke and Raleigh Rail Road company; a bill to emancipate and set free Caroline (alias) Caroline Cooke, and her three children, named Susan Pamela Cooke, Acha Tomlinson Cooke, and James Ellis Cooke, the property of Archibald Lovelace of the county of Wilkes; a bill authorizing and requiring captains or commanding officers, attached to the 30th, 31st, and 68th regiments of North Carolina militia, to muster their respective companies once in three months; and a bill to repeal an act entitled an act directing the manner in which constables shall be appointed in this State, so far as respects the counties of Hyde and Green; and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. Benton and Mr. Clement were appointed a committee to conduct the balloting for a brigadier general of the 15th brigade. A message from the Senate, informing that Messrs. Ballew and Young, form said committee on behalf of the Senate.

Received from his Excellency, Governor Swain, a communication, transmitting sundry resignations of field officers and justices of the peace; and informing also that there exist at present, four vacancies in the board of trustees of the University of North Carolina, occasioned by the demise of Henry Seawell and Joseph A. Hill, and the removal from the State of William S. Mhoon and John Bragg. On motion of Mr. Clarke, ordered that said communication, with the accompanying papers, be sent to the Senate, with a proposition that the two Houses, on to morrow, ballot for four trustees of the University.

Mr. Carson presented certain proceedings of sundry citizens of this State, recently had at Ashville in Buncombe county, in relation to a Rail Road from Cincinnati to Charleston; which were, on motion of Mr. Carson, referred to the committee on Internal Improvement.

The Speaker communicated to the House, the annual report of the Adjutant General; which was, on motion of Mr. Graham, ordered to be sent to the Senate and bprinted.

Mr. J. W. Guinn presented a bill, founded on a petition, to restore to credit Harman Lovingwood of Macon county; which was read the first time and passed; and on Mr. Guinn's motion, referred to the committee on private bills.

Mr. Jacocks, from the committee on finance, to whom the subject was referred, reported a resolution authorizing an exchange of the Cherokee bonds; which was read the first time and passed.

On motion of Mr. Guinn,

Resolved, That the committee on finance be instructed to enquire into the expediency of requesting the Governor of this State, to direct a sale, during the next year, of all the surveyed lands remaining unsold acquired by treaty from the Cherokee Indians; and that they report by resolution or otherwise.

Mr. Graham, from the committee on the judiciary, to whom was referred an inquiry into the expediency of amending the laws, regulating the county courts, and proceedings before single magistrates, reported that it is not, at this time, expedient to legislate upon the subject; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Clement, from the committee appointed to conduct the balloting for

a brigadier general of the 15th brigade, reported that no one had received a majority of the whole number of votes; and that there was no election. The report was concurred in. Whereupon, on motion of Mr. King, ordered that a message be sent to the Senate, proposing that another balloting be had immediately for said officer.

Mr. Jones, from the committee on propositions and grievances, to whom the subject was referred, reported a bill to restore to credit, George Tapps of Person county; which was read the first time and passed.

Mr. Hutchison, from the committee on propositions and grievances, to whom the subject had been referred, reported a resolution in favor of Matthew Miller; which was read the first time and passed.

Mr. J. H. Walker presented the petition of Mahala Walls of Haywood county, praying to be divorced; which was, on motion of Mr. Walker, referred to the committee on private bills.

Mr. Hoskins presented the petition of Margaret Massey, of the town of Edenton, praying to be divorced; which was referred, on Mr. Hoskins' motion, to the committee on private bills.

Mr. Hawkins, from the committee on propositions and grievances, to whom the bill was referred, reported the bill to alter the name of John Pettis Johnson, of Warren county, and to legitimate him, with amendments. The amendments were concurred in, and the said bill as amended passed its second reading.

A message from the Senate, informing that they had passed the following engrossed bills, viz: a bill to incorporate the Conrad gold mining company; a bill to incorporate the County Guard in Rockingham, and a bill providing a reward for taking up runaway slaves, the property of citizens of this State, in non-slaveholding States; and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. McCleese introduced a bill to divorce Pharoah Perkins of Currituck county; which was read the first time and passed; and, on motion of Mr. McCleese, referred to the committee on propositions and grievances.

Mr. Erwin introduced a bill to enable lawyers, resident in other States, to practice in the Superior courts of this State in certain cases; which was read the first time and passed; and on motion of Mr. Erwin, referred to the committee on the judiciary.

Mr. Rogers introduced a bill to repeal and amend in part, an act passed in the year 1833, entitled an act to incorporate the Roanoke and Raleigh Rail Road company; and also to renew said act; which was read the first time and passed; and, on Mr. Rogers' motion, referred to the committee on Internal Improvement.

Mr. Jarvis introduced a bill to prevent frauds upon the revenue in the assessment of lands for taxation in Yancy county; Mr. Dunn, a bill to amend the militia laws, as respects the county of Mecklenburg; Mr. Wooten, a bill to alter the name of Haywood Waterer, and to legitimate him; Mr. Hutchison, a bill to incorporate the Lincoln Gold mining company; and Mr. Gorrell, a bill to incorporate the South Buffaloe Gold mining company. These bills were severally read the first time and passed.

A message from the Senate, agreeing to ballot on to-morrow for four trustees of the University.

A message from the Senate, informing that they had rejected the engrossed bill regulating constables in the county of Onslow.

The bill to allow the trustees of the University of North Carolina, and the president and directors of the literary fund, to subscribe for and take certain portions of the stock reserved to the State in the Bank of the State of North Carolina, was read the third time. Mr. Carson moved that said bill lie on the table; the question thereon was decided in the negative: and the question, shall the said bill pass its third reading? was determined in the negative—yeas 61, nays 69. The yeas and nays demanded by Mr. Dudley,

Those who voted in the affirmative were, Messrs. Baker, E. S. Bell, Benton, Bond, Borland, Brummell, Buie, Burgess, Byrd, Chambers, Clark, Clement, Clingman, Collins, Crump, Dods-on, Erwin, Foreman, Fleming, Gary, Gee, Gorrill, Graham, Guthrie, L. A. Gwyn, Hall, Harris, Harper, Hill, Hoke, Hooper, Hope, Hoskins, Howard, Hunt, Hybart, JACOBS, Jordan, Kelly, Kenan, King, Lindsay, Loudermilk, Manly, Mathews, Moore, Muse, J. A. D. McNeill, McPherson, McRae, Poindexter, Rayner, Rush, Sanders, G. Smith, J. L. Smith, Swindell, Thomas, Waddell, Williamson, Wooten.

Those who voted in the negative were, Messrs. Bedford, Bell, Braswell, Brown, Bryan, Byrum, Cansler, Carson, Coor, Cotten, Davenport, Deberry, Dudley, Dunn, Fitzrandolph, Frink, J. W. Guinn, Hammond, N. Harrison, J. Harrison, Hassell, Hawkins, Henry, Hester, J. Horton, W. Horton, Howerton, Hutchison, Irion, Jeffreys, Jervis, Jones, Judkins, I. W. Lane, W. B. Lane, Lee, Lyon, Moye, McCleese, D. McNeill, Neal, A. Perkins, J. H. Perkins, Pickett, Pippin, Powell, Riddick, Roebuck, Rogers, Siler, Sloan, Smallwood, Giles Smith, Speller, Stallings, Stockard, Swanner, Taylor, Thompson, Tomlinson, Tuton, J. H. Walker, J. R. Walker, Walton, Watson, Watts, West, Whitley, Witcher.

The resignations of W. J. Dozier of Camden county; of Thomas Griffin of Nash county, Justices of the peace of said counties; and the resignation of James C. Dockery, as major of the 51st Regiment, received from the Senate, were read and accepted.

The resignation of James Rainey, as a justice of the peace of the county of Caswell, was presented, read, and accepted.

The House then proceeded to the order of the day, and resumed the consideration of the resolutions relating to the public lands of the United States.

Mr. J. W. Guinn, with leave, withdrew the amendment heretofore submitted by him; and Mr. Jordan moved to strike out all after the word "resolved," and insert the following:

That, if Congress should give the public lands of the United States, directly or indirectly to the States in which they are situate, it would be a breach of the public faith, and a violation of the rights of the States.

Resolved further, That the public revenues are collected directly or indirectly from the people, and never ought to exceed the amount of expenditures necessary to an economical administration of the Government; and whenever the proceeds of the sales of the public lands are not required in aid of the revenues for the legitimate purposes of the National Government, it will be the duty of Congress to reduce the taxes imposed upon the people of the United States, and thereby reduce the revenue to a sum which, when added to the land sales, will not exceed the actual wants of the Government. But because the value of the Union is beyond the reach of pecuniary calculation, and as it might be hazardous to its stability to disturb now, that system of taxation, which was lately adopted as a compromise of conflicting interests and opinions upon the subject of the Tariff, we conceive it the duty of Congress to devise some safe method, compatible with the deeds of Cession, for the distribution of any surplus proceeds of the sales of the public lands, which may from time to time remain in the Treasury, after defraying its expenditures.

Resolved further, That we deprecate all attempts on the part of the citizens of this State, to increase the difficulties and magnify the jealousies already existing upon national questions in respect to our public lands, by giving to them a party character, and thereby holding out inducements to the new States, to put forth unreasonable demands,—and on

the other hand, by denouncing their claims with bitter reproaches, so as to kindle a blaze of discontent in the nation; which, however, intended by those who raised it, must ultimately endanger the stability of the Government.

Resolved further, That his Excellency the Governor of the State, be requested to transmit copies of the foregoing resolutions, to each of our Senators and Representatives in the Congress of the United States.

Mr. Clarke moved that the amendment, with the original resolution, be laid on the table. Pending the question on this motion, the House adjourned until to-morrow morning 10 o'clock.

THURSDAY, DECEMBER 3, 1835.

Mr. Dudley, who voted yesterday against the passage of the bill, to allow the trustees of the University of North Carolina, and the president and directors of the literary fund, to subscribe for and take certain portions of the stock reserved to the State, in the Bank of the State of North Carolina, moved that the House do now reconsider that vote. The House agreed so to re-consider, and, on motion of Mr. Dudley, said bill was laid on the table.

Mr. McRae, from the balloting committee for a brigadier general of the 15th brigade, reported that no one had received a majority of the whole number of votes: and that there was no election. The report was concurred in. On motion of Mr. Clingman, ordered that a message be sent to the Senate, proposing another balloting immediately for said officer.

Mr. Clement presented a petition from sundry citizens of Salisbury, in favor of a division of Rowan county; which was, on Mr. Clement's motion, referred to the select committee heretofore raised on this subject.

On motion of Mr. Poindester, leave of absence, from the service of the House, from this day until Thursday next, was granted to Mr. Crump.

Mr. Loudermilk presented a resolution in favor of James Thompson of Iredell county; which was read the first time and passed; and, on motion of Mr. Loudermilk, referred to the committee on claims.

On motion of Mr. Galy, the names of Frederick J. Hill, Mathias E. Manly, William B. Meares, and James W. Bryan, were put in nomination for trustees of the University; and Messrs. Irion and Jones appointed a committee to conduct the balloting.

A message from the Senate, agreeing to ballot immediately for a brigadier general of the 15th brigade; and informing that Messrs. Patterson and Cowper of Gates, form their balloting committee. Ordered that Messrs. Swanner and Brown, superintend said balloting on the part of this House.

On motion of Mr. Hybart, the name of William M. Green was added to the nomination for a trustee of the University.

Mr. J. W. Guinn, from the committee on propositions and grievances, reported unfavorably on the memorial of Simon B. Jewett, Secretary of the Georgia Lumber company; and asking to be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged.

The bill to incorporate the North Carolina Rail Road company, was read the second time, amended on Mr. Dudley's motion, and passed.

Mr. Neal introduced a bill to incorporate the Craven county rangers; which was read the first time and passed.

Mr. J. L. Smith introduced a bill authorizing the making a Turnpike road in Haywood county, and incorporating a company for that purpose;

and Mr. Siler, a bill authorizing the Governor to issue a grant to James Truitt for a tract of land in the county of Macon. These bills were read the first time and passed; and the last named bill, on motion of Mr. Siler, referred to the committee on propositions and grievances.

Mr. Lyon presented a bill to prevent the felling of timber, or otherwise obstructing the run of Turnbull Creek, from Malcolm McInnis' mills to John Fort's Ford in Bladen county; which was read the first time and passed.

A message from the Senate, informing that Messrs. Marsteller and Bullock, compose the committee on their part, to conduct the balloting for four trustees of the University.

The bill to alter the name of John Pettis Johnson of Warren county, and to legitimate him, was read the third time, passed, and ordered to be engrossed.

Mr. King, from the committee on propositions and grievances, reported a bill to divorce Frances Cloud of Chatham county; which was read the first time and passed.

Mr. Hybart presented the petition of Betsey Mallett, a coloured woman of Fayetteville, praying the manumission of her husband Nelson; which was referred, on Mr. Hybart's motion, to the committee on propositions and grievances.

Mr. Waddell presented a memorial from the county court of Orange, praying the passage of a law authorising less than a majority of the whole number of justices of said county, to do and perform such acts as are at present required to be done by a majority. Said memorial was, on motion of Mr. Waddell, referred to the committee on the judiciary.

Mr. J. W. Guinn, from the committee on propositions and grievances, to whom the petition of John Harman of Chatham county was referred, reported a bill to alter the name of James Atlas Marks, and to legitimate him; which was read the first time and passed.

Mr. Waddell presented the petition of certain citizens of Orange county, in relation to the time of closing the polls of election at one of the precincts of said county; which was referred to the committee on propositions and grievances.

Mr. Lilly presented a memorial from Henry Delamothe of Montgomery county, in relation to the Gold mines discovered on the lands of the State in said county; which was referred to the committee on propositions and grievances.

Mr. Guthrie, from the committee on private bills, to whom the subject was referred, reported a bill to alter, in part, the dividing line between the counties of Surry and Rowan; which was read the first time and passed.

Mr. Graham presented a bill to provide for the payment of tales jurors in certain cases; which was read the first time and passed.

The House now proceeded to the special order of the day, and resumed the consideration of the resolutions concerning the public domain. The question on Mr. Clarke's motion, that the said resolutions lie on the table, was decided in the negative—Yeas 26, Nays 101. The yeas and nays demanded by Mr. Clingman,

Those who voted in the affirmative were, Messrs. T. Bell, Borland, Bryan, Burgess, Byrum, Clarke, Dodson, Fitzrandolph, Frink, J. Harrison, Hoke, Jeffreys, Kenan, Neal, A. Perkins, Powell, Riddick, Rockuck, Sanders, Giles Smith, Speller, Stallings, Swindell, West, Williamson, Wooten.

Those who voted in the negative were, Messrs. Baker, Bedford, E. S. Bell, Benton, Braswell, Brown, Brummell, Buie, Byrd, Cansler, Carson, Chambers, Clement, Clingman, Coor, Collins, Cotten, Crump, Davenport, Deberry, Dunn, Eaton, Erwin, Foreman, Fleming, Gee, Gorrell, Graham, J. W. Guinn, Guthrie, L. A. Gwyn, Hall, Hammond, Harris, N. Harrison, Harper, Hassell, Hawkins, Henry, Hester, Hill, Hooker, Hope, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Irion, Jacobs, Jervis, Jones, Jordan, Judkins, Kelly, King, I. W. Lane, W. B. Lane, Lee, Lilly, Lindsay, Lyon, Manly, Matthews, Moore, Moyer, Muse, McCleese, J. A. D. McNeill, D. McNeill, McPherson, McRae, J. H. Perkins, Pickett, Pippin, Poindexter, Rayner, Rogers, Rush, Siler, Sloan, Smallwood, G. Smith, J. L. Smith, Stockard, Swanner, Taylor, Thomas, Thompson, Tomlinson, Tuton, Waddell, J. R. Walker, Watson, Watts, Whitley, Witcher.

The question recurring on the amendment proposed by Mr. Jordan, the House, after discussion, postponed the further consideration thereof 'till tomorrow; and, on motion of Mr. Jacobs, ordered that the proposed amendment be printed.

The House then adjourned until to-morrow morning 10 o'clock.

FRIDAY, DECEMBER 4, 1835.

A message from the Senate, informing that they had passed the following engrossed bills; and asking the concurrence of this House, viz: A bill concerning the courts of pleas and quarter sessions in the several counties in this State; a bill providing compensation to the Sheriffs of the several counties of this State, for making the returns of the votes given in at the late election for adoption or rejection of the proposed amendments to the Constitution; a bill fixing the punishment for the crime of bigamy; a bill to incorporate the Conrad Gold mining company; and a bill for the relief of Rachel Edwards. These bills were each read the first time and passed; and the first named bill, on motion of Mr. Clarke, ordered to be printed.

A message from the Senate, agreeing to print the report of the Adjutant General.

The bill to divorce Aquilla S. Bennett, of the county of Pitt; and the bill to prevent the felling of timber in or otherwise obstructing the run of Ellis' Creek in Bladen county, were each read the third time, passed, and ordered to be engrossed.

The engrossed bill to repeal so much of an act passed in the year 1831, entitled an act to incorporate the Charlott fire engine company, as exempts the members of said company from performing military duty, was read the third time, passed, and ordered to be enrolled.

Mr. Coor presented a bill amendatory of the act on bastardy; which was read the first time and passed.

Mr. Watson introduced a bill to legitimate John Oxendyne of the county of Robeson; which was read the first time and passed; and, on motion of Mr. Watson, referred to the committee on private bills.

The bill to incorporate the North Carolina Rail Road company, was read the third time, passed, and ordered to be engrossed.

On motion of Mr. L. A. Gwyn, ordered that a message be sent to the Senate, proposing to ballot immediately for Councillors of State.

On motion of Mr. Jacobs,

Resolved, That the Wreck and Pilot laws of this State, be referred to the committee on the judiciary for amendment, if necessary; and that they report by bill or otherwise.

A message from the Senate, proposing to ballot immediately for colonel of cavalry attached to the 3d brigade; and informing that Evans Larkins is nominated for the appointment. The proposition was agreed to: and Messrs. Foreman and Hope appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Marsteller and Summons form said committee on their part.

Mr. Lilly presented a bill amendatory of an act relating to the town of Lawrenceville in Montgomery county; which was read the first time and passed.

A message from the Senate, agreeing to ballot immediately for Councilors of State; and informing that Henry Skinner of Perquimons, Daniel Turner of Warren, George Williamson of Caswell, Peter H. Dillard of Rockingham, Louis D. Henry of Fayetteville, William S. Ashe of New Hanover, and Allen Rogers, Sr. of Wake, are in nomination for the appointment; and that Messrs. Kerr and Beasley form, on the part of the Senate, the balloting committee. Ordered that Messrs. Poindexter and L. A. Gwyn, compose said committee on behalf of this House.

The House now proceeded to the orders of the day, and resumed the consideration of the resolutions, together with the proposed amendments thereto, relating to the public domain; and the question being on striking out the original resolutions offered by Mr. Clingman, and inserting those offered by Mr. Jordan; Mr. Graham called for a division of the question; and the question being first on striking out, as proposed, was decided in the negative—Yeas 57, Nays 69. The yeas and nays demanded by Mr. Graham,

Those who voted in the affirmative were, Messrs. T. Bell, Braswell, Brown, Bryan, Byrum, Cansler, Coor, Deberry, Dodson, Dunn, Fitzrandolph, Friok, J. W. Guinn, L. A. Gwyn, J. Harrison, Hawkins, Henry, Hester, Hoke, Hooker, Howerton, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Jordan, Judkins, Kenan, L. W. Lane, Lee, Moye, J. A. McNeill, Neal, A. Perkins, Picket, Pippin, Powell, Riddick, Roebuck, Sanders, Sloan, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Tuton, J. R. Walker, Watson, West, Whitley, Williamson, Wooten.

Those who voted in the negative were, Messrs. Baker, Bedford, E. S. Bell, Benton, Borland, Brummell, Buie, Burgess, Byrd, Carson, Chambers, Clarke, Clement, Clingman, Collins, Cotten, Davenport, Eaton, Erwin, Foreman, Fleming, Gary, Gee, Gorrell, Graham, Guthrie, Hall, Hammond, Harris, N. Harrison, Harper, Hassell, Hope, J. Horton, W. Horton, Hoskins, Howard, Hunt, Jacocks, Kelley, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Muse, McCleese, McPherson, M. Rae, J. H. Perkins, Poindexter, Rayner, Rogers, Rush, Siler, Smallwood, George Smith, Swindell, Taylor, Thomas, Thompson, Waddell, J. H. Walker, Walton, Watts.

The question then recurring on the adoption of the original resolution; and after continuance of the debate thereon, the House, on motion, adjourned until to-morrow morning 10 o'clock.

SATURDAY, DECEMBER 5, 1835.

On motion of Mr. Gary, leave of absence from the service of this House, from this day until Monday next, was granted to Mr. Gee.

Mr. Foreman, from the committee appointed to conduct the balloting for colonel of cavalry attached to the 3d brigade, reported that Evans Larkins had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Jones, from the committee of balloting for trustees of the University, reported that Wm. B. Mears, Frederick J. Hill, Mathias E. Manly, and James W. Bryan, had each received a majority of the whole number of votes; and that they were duly elected. The report was concurred in.

Mr. Swaner, from the balloting committee for a brigadier General of the 15th brigade, reported that Solomon Loudermilk had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. L. A. Gwyn, from the committee appointed to conduct the balloting for councillors of State, reported that Henry Skinner, Daniel Turner, Geo. Williamson, Peter H. Dillard, Louis D. Henry, William S. Ashe, and Allen Rogers Sr had each received a majority of the whole number of votes; and that they were duly elected. The report was concurred in.

On motion of Mr. Graham, ordered that a message be sent to the Senate proposing to ballot immediately for a trustee of the University, to fill the vacancy occasioned by the death of the Rev. Dr Joseph Caldwell; and informing that the name of William M. Green, is in nomination for the appointment. A message from the Senate, concurring in this proposition, and informing that Samuel F. Patterson is added to the nomination; and that Messrs. Hill and McQueen form, on their part, the balloting committee. Ordered that Messrs. Dodson and Speller, form said committee on behalf of this House.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill to provide for the temporary appointment of Registers in certain cases; a bill to repeal, in part, an act for the better regulation of the Fair held near Laurel Hill in the county of Richmond, passed in the year 1830; a bill to amend an act passed in the year 1816, entitled an act to establish an Academy at Williamston in the county of Martin; and a bill to amend an act passed in the year 1830, for the better regulation of the town of Williamston; and asking the concurrence of this House. The said bills were each read the first time and passed.

Mr. Manly presented the petition of Allen Jones, Executor of Benjamin Revils, praying the manumission of a slave named Delia; which was, on motion of Mr. Manly, referred to the committee on private bills.

Mr. Dudley introduced a bill to incorporate the Wilmington marine hospital company; Mr. Poindexter, a bill to repeal an act passed in the year 1829, entitled an act concerning the first regiment of militia of Stokes county, and for other purpose; Mr. W. B. Lane, a bill to amend an act passed in the year 1824, entitled an act to establish a poor and work house in the counties of Jones and Randolph; Mr. Dudley, a bill to amend an act, entitled an act to incorporate the town of Stantonsburg in the county of Edgecombe; Mr. Hope, a resolution in favor of Mark H. Hill; and Mr. Swindell, a resolution in favor of John B. Jasper. The bills and resolutions were each read the first time and passed.

Mr. Dudley introduced a bill founded on a petition, from many inhabitants of the town of Wilmington, for the better regulation of the slave laborers in the town and port of Wilmington; which was read the first time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill to amend an act passed in 1820, chapter 1071, entitled an act for repairing and improving the road leading from the place

known by the name of the Old Fort in Burke county, over the the Swannanoah Gap to Ashville in Buncombe county; and thence to the point of intersection with the road leading through Haywood county to the Southern boundary line of this State; and a bill to give further time for perfecting titles to entries of vacant lands in the county of Stokes; and asking the concurrence of this House. The said bills were read the first time and passed; and the last named bill was, on motion of Mr. Poindexter, read also the second and third times, passed, and ordered to be enrolled.

Mr. Clement presented a further petition from certain inhabitants of the county of Rowan, in relation to a division of said county; which was, on motion of Mr. Clement, referred to the select committee heretofore raised on that subject.

A message from the Senate, proposing to refer a bill to incorporate the Cincinnati and Charleston Rail Road company, to a joint select committee of three members on the part of each House. The proposition was agreed to.

Mr. Watson presented a resolution in favor of Neil McAlpin; which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Williamson presented a bill founded on a petition, to alter the name of Simon Davis of the county of person, and to legitimate him; which was read the first time and passed.

On motion of Mr. Taylor, leave of absence was granted to Mr. Brown, from the service of this House, after this day, 'till Monday next.

The Speaker laid before the House, sundry Bank exhibits, transmitted according to law, by the public Treasurer; which, on motion of Mr. Graham, were ordered to be sent to the Senate and be printed.

Messrs. Carson, Canler, and Dudley, were appointed the joint select committee on the part of this House, on the bill to incorporate the Cincinnati and Charleston Rail Road company.

The House again proceeded to the consideration of the resolutions of Mr. Clingman, relating to the public lands of the United States. Mr. Carson moved that the further consideration thereof, be postponed until Wednesday next. The question thereon was determined in the negative—Yeas 30, Nays 93. The yeas and nays demanded by Mr. Sanders,

Those who voted in the affirmative, were, Messrs. Braswell, Bryan, Byrum, Canler, Carson, Coor, Dodson, Dunn, J. W. Gunn, L. A. Gwyn, Hester, Hoke, Howerton, Hunt, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Jordan, Moyer, J. A. D. McNeill, Pippin, J. L. Smith, Giles Smith, J. H. Walker, Watson, Williamson, Witcher.

Those who voted in the negative, were, Messrs. Baker, Bedford, T. Bell, E. S. Bell, Benton, Berland, Brummel, Buie, Burgess, Byrd, Chambers, Clarke, Clement, Clingman, Collins, Cotten, Davenport, Deberry, Dudley, Erwin, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gorrell, Graham, Guthrie, Hall, Hammond, Harris, J. Harrison, N. Harrison, Harper, Hassell, Hawkins, Henry, Hill, Hooker, Hope, J. Horton, W. Horton, Hoskins, Howard, JACOBS, Judkins, Kelly, Kenan, King, L. W. Lane, W. B. Lane, Lee, Lilly, Lindsay, Loudermilk, Lyon, Manly, Mathews, Moore, Muse, McCleave, M'Pherson, M'Rae, Neale, J. H. Perkins, A. Perkins, Pickett, Poindexter, Rayner, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Sloan, Smallwood, George Smith, Speller, Stallings, Stockard Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, Walton, Watts, West, Whiteley, Wooten.

Mr. Collins moved that the said order of the day be postponed until Mon-

day next. The question thereon was decided in the negative—yeas 9, nays 113. The yeas and nays demanded by Mr. Clingman,

Those who voted in the affirmative were, Messrs. Bryan, Carson, Collins, Deberry, Dudley, J. W. Guinn, Hooker, Hybart, King.

Those who voted in the negative, were, Messrs. Baker, Bedford, T. Bell, E. S. Bell, Benton, Borland, Braswell, Brummell, Buie, Burgess, Byrd, Byrum, Cansler, Chambers, Clark, Clingman, Coor, Cotten, Davenport, Dodson, Dunn, Erwin, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gorrell, Graham, Guthrie, L. A. Gwyn, Hall, Hammond, Harris, J. Harrison, N. Harrison, Harper, Hassell, Hawkins, Henry, Hester, Hill, Hoke, Hope, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Irion, Jacocks, Jeffreys, Jervis, Jones, Jordan, Judkins, Kelly, Kenan, I. W. Lane, W. B. Lane, Lee, Lilly, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Moye, Muse, M'Cleese, J. A. D. M'Neill, M'Pherson, M'Rae, Neale, J. H. Perkins, A. Perkins, Pickett, Pippin, Poindexter, Powell, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Sloan, Smallwood, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, J. H. Walker, Walton, Watson, Watts, West, Whitley, Williamson, Witcher, Wooten.

Mr. Hybart moved to amend the second resolution, by striking out all after the word "Resolved," and inserting the following words, viz :

As the opinion of this General Assembly, that any act of Congress, giving the public lands to the States in which they are located, would be a plain and palpable breach of the public faith, and a dangerous violation of the rights of all the States.

Resolved further, That Congress ought not to reduce the price of the territory or public lands of the United States, for the purpose of indirectly giving said lands to the States in which they may be situated.

Resolved further, That if the public interest will justify the measure, that amendments should be proposed to the Constitution of the United States, making a distribution of the proceeds of the public lands among the several States and territories of the Union, in proportion to their federal population, to be applied to the establishment of common schools, and works of Internal Improvement ; and for no other purposes whatsoever.

Resolved, That the distribution proposed in the bill commonly called "Clay's Land Bill," by which it was proposed that 25 per cent. more was to be given to the new States than the old, was unequal and unjust, and highly detrimental to the interests and just claims of the old States of the Union, which are entitled to have such proceeds applied, according to their respective and usual proportions in the general charge and expenditure.

The question was, on Mr. Hall's motion, first taken on striking out, and determined in the negative—Yeas 41, Nays 83. The yeas and nays demanded by Mr. Hall,

Those who voted in the affirmative, were, Messrs. T. Bell, Braswell, Bryan, Cansler, Dodson, Dunn, Fitzrandolph, L. A. Gwyn, Hawkins, Hoke, Howerton, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Jordan, Judkins, Kenan, Lee, J. A. D. M'Neill, A. Perkins, Pickett, Pippin, Powell, Roebuck, Sloan, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Tomlinson, Tuton, Watson, West, Whitley, Williamson, Witcher,

Those who voted in the negative, were Messrs. Baker, Bedford, E. S. Bell, Benton, Borland, Brummell, Bryan, Buie, Burges, Byrd, Carson, Chambers, Clark, Clement, Clingman, Coor, Collins, Cotten, Davenport, Deberry, Dudley, Erwin, Foreman, Fleming, Frink, Gary, Gorrell, Graham, J. W. Guinn, M'Pherson, Hall, Hammond, Harris, J. Harrison, N. Harrison, Harper, Hassell, Henry, Hester, Hill, Hooker, Hope, J. Horton, W. Horton, Hoskins, Hunt, Jacocks, Kelly, King, I. W. Lane, W. B. Lane, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Moye, Muse, M'Cleese, M'Pherson, M'Rae, Neale, J. H. Perkins, Poindexter, Rayner, Riddick, Rogers, Rush, Sanders, Siler, Smallwood, G. Smith, Swindell, Taylor, Thomas, Waddell, Walton, Watts, Wooten.

The question then recurring on the adoption of the original resolutions, Mr. Hoke called for a division, and moved that the vote be taken on each

resolution respectively. The motion prevailed, and Mr. Williamson called for a division of the question, on the distinct proposition embraced in the first resolution.

The Speaker decided that the question was divisible, and the motion was in order; and the vote of the House being taken on that branch of the first resolution, in the following words, viz: "Resolved, as the opinion of this General Assembly, that any act by which the Congress of the United States shall give the public lands to the States in which they are situated, would seriously affect the prosperity of all the old States, and do great injustice to those States by which they were originally ceded to the confederacy;" was decided in the affirmative—Yeas 118, Nays 6.

Those who voted in the affirmative were, Messrs. Baker, Bedford, E. S. Bell, Benton, Borland, Braswell, Brummell, Bryan, Buie, Burgess, Byrd, Cansler, Carson, Chambers, Clarke, Clement, Clingman, Coor, Collins, Cotten, Davenport, Dodson, Dudley, Dunn, Erwin, Foreman, Fleming, Frink, Gary, Gorrell, Graham, J. W. Guinn, Guthrie, L. A. Gwyn, Hall, Hammond, Harris, J. Harrison, N. Harrison, Harper, Hassell, Hawkins, Henry, Hester, Hill, Hoke, Hooker, Hope, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Irion, Jacocks, Jervis, Jones, Jordan, Judkins, Kelly, Kenan, King, I. W. Lane, W. B. Lane, Lee, Lilly, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Moyer, Muse, McCleese, J. A. D. McNeill, McPherson, McRae, Neal, J. H. Perkins, A. Perkins, Pickett, Pippin, Poindexter, Powell, Rayner, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Sloan, Smallwood, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, J. H. Walker, Walton, Watson, Watts, Whitley, Williamson, Witcher, Wooten.

Those who voted in the negative were, Messrs. T. Bell, Byrum, Deberry, Fitzrandolph, Jeffreys, West.

To the second branch of the proposition embraced in the first resolution, Mr. Williamson offered the following amendment: Strike out the words "these lands are now sold," and insert the words, "the fresh lands are now offered for sale." The Speaker decided the motion to amend at this stage of the vote, out of order; and from this decision, Mr. Williamson appealed to the House. The question, "is the decision of the Chair the decision of the House?" was decided in the affirmative—Yeas 118, Nays 4.

Those who voted in the affirmative, were, Messrs. Baker, Bedford, T. Bell, E. S. Bell, Benton, Borland, Braswell, Brummell, Bryan, Buie, Burges, Byrd, Byrum, Cansler, Carson, Chambers, Clarke, Clingman, Coor, Collins, Cotten, Davenport, Deberry, Dodson, Dudley, Dunn, Erwin, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gorrell, Graham, J. W. Guinn, L. A. Gwyn, Hall, Hammond, Harris, J. Harrison, N. Harrison, Harper, Hassell, Hawkins, Henry, Hester, Hill, Hoke, Hooker, Hope, J. Horton, W. Horton, Hoskins, Howerton, Hunt, Hutchison, Hybart, Irion, Jacocks, Jeffreys, Jervis, Judkins, Kelly, Kenan, I. W. Lane, W. B. Lane, Lee, Lilly, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Moyer, Muse, McCleese, J. A. D. McNeill, McPherson, McRae, Neale, J. H. Perkins, A. Perkins, Pickett, Pippin, Poindexter, Powell, Rayner, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Sloan, Smallwood, G. Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, J. R. Walker, J. H. Walker, Walton, Watson, West, Whitley, Witcher, Wooten.

Those who voted in the negative, were Messrs. Clement, Guthrie, Jordan, and Watson.

The question recurring on the adoption of the second branch of the first resolution, in the following words, viz: "Or any act by which the minimum price at which these lands are now sold, shall be reduced;" was decided in the affirmative—Yeas 107, Nays 18.

Those who voted in the affirmative were, Messrs. Baker, Bedford, T. Bell, E. S. Bell, Benton, Borland, Braswell, Brummell, Bryan, Buie, Burgess, Byrd,

Cansler, Carson, Chambers, Clarke, Clement, Clingman, Coor, Collins, Cotten, Davenport, Dodson, Dudley, Dunn, Erwin, Foreman, Fleming, Frink, Gary, Gorrell, Graham, J. W. Guinn, Guthrie, Hall, Hammond, Harris, J. Harrison, N. Harrison, Harper, Hassell, Hawkins, Hester, Hill, Hoke, Hope, J. Horton, W. Horton, Hoskins, Howard, Hunt, Irion, Jacocks, Jervis, Jones, Judkins, Kelly, King, I. W. Lane, W. B. Lane, Lilly, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Moyer, Muse, McCleese, J. A. D. McNeill, McPherson, McRae, Neal, J. H. Perkins, A. Perkins, Pippin, Poindexter, Powell, Rayner, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Sloan, Smallwood, G. Smith, J. L. Smith, Giles Smith, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, J. H. Walker, Walton, Watson, Watts, Whitley, Witcher, Wooten.

Those who voted in the negative were, Messrs. Byrum, Deberry, Fitzrandolph, L. A. Gwyn, Henry, Hooker, Howerton, Hutchison, Hybart, Jeffreys, Jordan, Kenan, Lee, Pickett, Speller, J. R. Walker, West, Williamson.

The question on the adoption of the second resolution, was decided in the affirmative—Yeas 70, Nays 54.

Those who voted in the affirmative were, Messrs. Baker, Bedford, E. S. Bell, Benton, Borland, Brummell, Buie, Byrd, Carson, Chambers, Clarke, Clement, Clingman, Coor, Collins, Cotten, Davenport, Dudley, Erwin, Foreman, Fleming, Frink, Gary, Gorrell, Graham, Guthrie, Hall, Hammond, Harris, N. Harrison, Harper, Hassell, Hope, J. Horton, W. Horton, Hoskins, Howard, Hunt, Jacocks, Jervis, Kelley, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Muse, McCleese, McPherson, McRae, J. H. Perkins, Pickett, Poindexter, Rayner, Rogers, Rush, Siler, Smallwood, George Smith, Swindell, Taylor, Thomas, Waddell, Walton, Watts, Witcher.

Those who voted in the negative were, Messrs. T. Bell, Braswell, Bryan, Burgess, Byrum, Cansler, Deberry, Dodson, Dunn, Fitzrandolph, J. W. Guinn, L. A. Gwyn, J. Harrison, Hawkins, Henry, Hester, Hill, Hoke, Howerton, Hutchison, Hybart, Irion, Jeffreys, Jones, Jordan, Judkins, Kenan, I. W. Lane, Lee, Moyer, J. A. McNeill, Neal, A. Perkins, Pippin, Powell, Riddick, Roebuck, Sanders, Sloan, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Tomlinson, Tuton, J. R. Walker, J. H. Walker, Watson, West, Whitley, Williamson, Wooten.

The question on the adoption of the third resolution, was decided in the affirmative—Yeas 81, Nays 41.

Those who voted in the affirmative, were, Messrs. Baker, Bedford, E. S. Bell, Benton, Borland, Brummell, Buie, Burgess, Byrd, Carson, Chambers, Clarke, Clement, Clingman, Coor, Collins, Cotten, Davenport, Dudley, Erwin, Foreman, Fleming, Frink, Gary, Gorrell, Graham, J. W. Guinn, Guthrie, Hall, Hammond, Harris, N. Harrison, Harper, Hassell, Hester, Hill, Hope, J. Horton, W. Horton, Hoskins, Howard, Hunt, Jacocks, Jervis, Kelly, King, I. W. Lane, W. B. Lane, Lilly, Lindsay, Loudermilk, Lyon, Manly, Mathews, Moore, Moyer, Muse, McCleese, J. A. D. McNeill, McPherson, McRae, J. H. Perkins, Pickett, Poindexter, Rayner, Rogers, Rush, Siler, Sloan, Smallwood, George Smith, J. L. Smith, Giles Smith, Swindell, Taylor, Thomas, Waddell, J. H. Walker, Walton, Watson, Witcher.

Those who voted in the negative, were, Messrs. T. Bell, Braswell, Bryan, Byrum, Cansler, Deberry, Dodson, Dunn, Fitzrandolph, L. A. Gwyn, J. Harrison, Hawkins, Henry, Hoke, Howerton, Hutchison, Hybart, Irion, Jeffreys, Jones, Jordan, Judkins, Kenan, Lee, Neal, Pippin, Powell, Riddick, Roebuck, Sanders, Speller, Stallings, Stockard, Swanner, Tomlinson, J. R. Walker, Watson, West, Whitley, Williamson, Wooten.

The House then adjourned until Monday morning 10 o'clock.

On motion of Mr. Lindsay, leave of absence from the service of the House, from this day 'till Thursday next, was granted to Mr. Gorrell.

Mr. Guthrie, from the committee on private bills, to whom was referred the bill to legitimate Thomas Petit of Surry county, reported the same without amendment; when the said bill was read the second time and passed.

Mr. Kelley presented the petition of Jefferson Judd of Moore county, praying to be divorced; which was, on motion of Mr. Kelly, referred to the committee on propositions and grievances.

Mr. Jordan presented the petition of Solomon W. Nash of Fayetteville, a free man of color, praying the manumission of his three children therein named; which was, on motion of Mr. Jordan, referred to the committee on propositions and grievances.

Mr. Guthrie, from the committee on private bills, to whom was referred the bill to restore to credit Hannan Lovingwood of Macon county, reported the same without amendment. The said bill was read the second time and rejected. On motion of Mr. Pippin, the said vote was re-considered; and the question, shall the said bill pass its second reading? was again decided in the negative.

Received from his Excellency, Governor Swain, by his private Secretary, a communication, transmitting the report of the board for Internal Improvement. On motion of Mr. Clarke, ordered that the same be sent to the Senate, with a proposition that said message and report be printed.

Mr. Dudley presented a resolution relating to the Wilmington marine hospital association, together with a petition from sundry citizens of the said town upon the same subject; which were read, and, on motion of Mr. Dudley, reported to a select committee. Said committee consists of Messrs. Dudley, McRae, Hoke, Manly and Kenan.

Mr. Dodson, from the balloting committee for a trustee of the University, reported that Samuel F. Patterson had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Coor presented the petition of William Hines of Wayne county, praying to be divorced; Mr. King presented the petition of sundry citizens of Iredell county, praying a law to be passed for preventing obstructions in the channel of Fifth Creek in said county; and a counter petition also from certain other citizens. These petitions were, on motion, referred to the committee on private bills.

Mr. Dudley, from the committee on Internal Improvement, reported a bill to authorize the laying out and establishing a turnpike road from the South Carolina line, at some point near the block house in Rutherford county, to the Cane Creek bridge in Buncombe county; which was read the first time and passed.

The Speaker laid before the House a letter from Mr. Slade, one of the members of this House, praying to be excused, in consequence of indisposition, from serving on the several committees on which he has been placed. The letter was read, and Mr. Slade excused as prayed for.

A message from the Senate, agreeing to print the Bank statements and exhibits, heretofore transmitted.

A message from the Senate, informing that Messrs. Harry, Wyche and Moore of Rutherford, from the committee on the part of the Senate, to which is referred the bill to incorporate the Cincinnati and Charleston Rail Road Company.

Mr. Hutchison presented a bill to incorporate the American Gold Mining Company in Mecklenburg county; Mr. Henry a bill compelling the justices of the peace, of New Hanover county, to attend the term of the county court of said county, whenever a majority of the justices of said county are required to be present; Mr. Dudley a bill for the relief of sick and disabled American seamen; Mr. Maully a bill for the better regulation of the town of Newbern; Mr. M'Rae a bill to abolish the office of county trustee in the several counties of this State; these bills were read the first time and passed.

Mr. Taylor presented a bill to reduce the salaries of the judges of the Supreme court, which was read the first time; Mr. Baker moved that the bill be rejected; the question thereon was decided in the affirmative—Yeas 65, Nays 49 The yeas and nays demanded by Mr George Smith,

Those who voted in the affirmative, were Messrs. Baker, Benton, Borland, Brunnell, Bry, an, Buie, Burgess, Byrum, Cansler, Carson, Chambers, Clarke, Clingman, Collins, Davenport, Dodson, Dudley, Dunn, Erwin, Foreman, Fleming, Gary, Graham, Guthrie, Hammond, J. Harrison, Harper, Hawkins, Henry, Hill, Hoke, Hooker, Hope, Hoskins, Howard, Hunt, Hutchison, JACOBS, Jordan, Judkins, Kelly, Kenan, King, I. W. Lane, Lindsay, Loudermilk, Mathews, M'ise, M'Cleese, J. A. D. M'Neil, M'Pherson, M'Rae, Neale, J. H. Perkins, Pickett, Poindexter, Rayner, Sanders, Sloan, Stallings, Waddell, Watts, West, Williamson, Wooten.

Those who voted in the negative, were Messrs. Bedford, E. S. Bell, Braswell, Byrd, Coor, Cotten, Davis, Deberry, Fitzrandolph, Frink, J. W. Guinn, L. A. Gwyn, Hall, Harris, N. Harrison, Hester, J. Horton, W. Horton, Howerton, Irion, Jeffreys, Jervis, Jones, W. B. Lane, Lilly, Lyon, Moore, Moyer, A. Perkins, Pippin, Powell, Roebuck, Rogers, Rush, Siler, Smallwood, George Smith, J. L. Smith, Giles Smith, Speller, Stockard, Swanner, Swindell, Taylor, Tuton, J. H. Walker, Whitley, Witcher.

Mr. JACOBS gave notice, that he should on to-morrow, move certain amendments in the rules and order of conducting business in this House.

Received from his Excellency Governor Swain, the following

MESSAGE.

To the General Assembly of the State of North Carolina.

I have the honor to communicate herewith a certificate from the Secretary of State, and Public Treasurer exhibiting statements of the votes given in the several counties in this State, for the ratification and rejection of the amendments to the Constitution. I also transmit a copy of a Proclamation, which has been issued from this Department, in pursuance of an Ordinance of the Convention, announcing to the People of this State, that the amendments to the Constitution have been duly ratified, and will be in force and effect from and after the first day of January next.

Executive Department, December 4, 1835.

DAVID L. SWAIN.

Certificate: The following statements of the votes given by the several counties in this State, in favor of the ratification of the amended Constitution, and for the rejection thereof, were taken from the official statements made by the Sheriffs of the respective counties, as received by the Governor from the said Sheriffs, and opened and compared by him, in our presence. Given under our hands the 3rd day of December 1835.

WM HILL, Sec. of State.
S. F. PATTERSON, Public Treasurer.

	Ratification.	Rejection.		Ratification.	Rejection.
Anson	815	44	Chatham	556	200
Ashe	466	88	Cumberland	331	439
Brunswick		466	Columbus	3	391
Buncombe	1322	22	Cabarrus	598	46
Burke	1359	1	Duplin	56	532
Beaufort	90	639	Davidson	1034	33
Bladen	6	564	Edgecombe	29	1324
Bertie	96	315	Franklin	85	617
Craven	131	270	Guilford	971	237
Carteret	32	332	Gates	12	502
Currituck	22	115	Granville	433	308
Camden	61	333	Greene	9	423
Caswell	466	162	Halifax	239	441
Chowan	7	322	Hertford	7	376

Hyde	2	431	Pitt	32	710
Haywood	481	8	Perquimons	10	431
Iredell	1194	18	Rowan	1570	21
Jones	22	239	Randolph	426	163
Johnson	73	776	Rockingham	612	68
Lincoln	1887	42	Robeson	86	458
Lenoir	54	320	Richmond	263	43
Moore	110	370	Rutherford	1557	2
Macon	502	19	Sampson	148	468
Montgomery	538	103	Surry	1751	4
Mecklenburg	1097	67	Stokes	1061	71
Martin	14	795	Tyrrell	1	459
New-Hanover	51	365	Washington	14	409
Nash	8	757	Wilkes	1757	8
Northampton	12	286	Wake	243	1124
Onslow	97	357	Warren	46	580
Orange	1031	246	Wayne	28	966
Person	180	287	Yancy	564	13
Pasquotank	7	412			
				26,771	21,606
				5,165	
Majority for Ratification					

PROCLAMATION.

By the Governor of the State of North Carolina:

The Convention which met in the City of Raleigh, on the 4th day of June last, having adopted certain amendments to the Constitution of the State, and having by an Ordinance directed them to be submitted by the Governor to the People, for ratification or rejection, and the said Convention having directed returns of the Votes, to be made to the Governor, to be by him opened in the presence of the Secretary of State, and Public Treasurer; and that in case a majority of the votes given should be in favor of the ratification of the said amendments, the same should be forthwith made known by Proclamation of the Governor, and the said amendments having been so submitted to the People, and returns having been made, and opened, and the result ascertained according to the said Ordinance;

Now therefore, I, DAVID L. SWAIN, Governor of the State of North Carolina, do hereby declare, and make known to the People of the State that a majority of all the votes so returned was in favor of the ratification of the said amendments, which said amendments so ratified, are become part of the Constitution of the State, and will be in full force and effect from and after the first day of January 1836.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed, and signed the same with my hand.

Done at the City of Raleigh, this 3rd day of December, A. D. 1835, and of the Independence of the said State the 60th.

DAVID L. SWAIN.

By the Governor,

WILLIAM T. COLEMAN, Private Secretary.

The bill to regulate the practice of hawking and peddling in this State, was read the second time; Mr. Clarke moved to fill the blank in the second section, fixing the tax with the words "fifty dollars;" the question thereon was decided in the negative—Yeas 56, Nays 63. The yeas and nays called for by Mr. Carson,

Those who voted in the affirmative were, Messrs. Baker, Bell, Buie, Byrum, Clark, Coor, Collins, Davenport, Davis, Deberry, Dodson, Dudley, Dunn, Fitzrandolph, Foreman, Gary, Hall, J. Harrison, Harper, Henry, Hooker, Hoskins, Howard, Howerton, Hunt, Jacobs, Jeffreys, Kelly, Kenan, I. W. Lane, Lee, Lindsay, Lyon, Moore, Moye, Muse, J. A. D. McNeill, McPherson, McRae, Neal, A. Perkins, Pippin, Powell, Riddick, Sanders, Sloan, Smallwood, Giles Smith, Swanner, Taylor, Tomlinson, J. R. Walker, West, Whitley, Williamson, Wooten.

Those who voted in the negative were, Messrs. Bedford, E. S. Bell, Benton, Borland, Braswell, Brummell, Bryan, Burgess, Byrd, Cansler, Carson, Chambers, Clement, Clingman, Cotten, Erwin, Fleming, Frink, Graham, J. W. Guinn, Guthrie, L. A. Gwyn, Hammond, Harris, N. Harrison, Hassell, Hawkins, Hester, Hill, Hoke, Hope, J. Horton, W. Horton, Hutchison, Irion, Jervis, Jones, Judkins, King, W. B. Lane, Lilly, Loudermilk, Manly, Mathews, McCleese, J. H. Perkins, Pickett, Poindexter, Rayner, Roebuck, Rogers, Rush, Siler, G. Smith,

J. L. Smith, Stallings, Stockard, Swindell, Thomas, Waddell, J. H. Walker, Watts, Witcher.

Mr. Thomas moved to fill said blank, with the words, "twenty-five dollars;" the question thereon was determined in the affirmative—Yeas 67, Nays 52.

Those who voted in the affirmative were, Messrs. Baker, Bell, E. S. Bell, Borland, Buie, Burgess, Byrum, Clark, Coor, Collins, Davenport, Davis, Deberry, Dodson, Dudley, Dunn, Fitzrandolph, Foreman, Frink, Gary, Hall, J. Harrison, Harper, Henry, Hooker, Hoskins, Howard, Howerton, Hunt, Jacocks, Jeffreys, Kelly, Kenan, I. W. Lane, Lee, Lindsay, Lyon, Manly, Matthews, Moore, Moye, Muse, J. A. D. M'Neill, M'Pherson, M'Rae, Neale, A. Perkins, Pippin, Poindexter, Powell, Riddick, Roebuck, Rogers, Sloan, Smallwood, Giles Smith, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, J. R. Walker, West, Whitley, Williamson, Wooten.

Those who voted in the negative, were, Messrs. Bedford, Benton, Braswell, Brummell, Bryan, Byrd, Cansler, Carson, Chambers, Clement, Clingman, Cotten, Erwin, Fleming, Graham, J. W. Gunn, Guthrie, L. A. Gwyn, Hammond, Harris, N. Harrison, Hassell, Hawkins, Hester, Hill, Hoke, Hope, J. Horton, W. Horton, Hutchison, Irion, Jervis, Jones, Judkins, King, W. B. Lane, Lilly, Loudermilk, M'Cleese, J. H. Perkins, Pickett, Rush, Sanders, Siler, George Smith, J. L. Smith, Stallings, Stockard, Waddell, J. H. Walker, Watts, Witcher.

Mr. King moved to amend further the bill by adding the following; "provided further that the provisions of this act, shall not extend to native citizens of this State, who may hereafter engage in hawking and peddling goods;" the question on this amendment was decided in the negative; Mr. Guthrie moved that said bill be indefinitely postponed, and called for the yeas and nays; the question thereon was decided in the negative—Yeas 22, Nays 94.

Those who voted in the affirmative, were, Messrs. Bedford, Braswell, Cansler, Carson, Cotten, Fleming, J. W. Gunn, Guthrie, Harris, Hoke, J. Horton, W. Horton, Irion, Jervis, Loudermilk, M'Cleese, M'Rae, J. H. Perkins, J. L. Smith, Stockard, Watts, Witcher.

Those who voted in the negative, were, Messrs. Baker, Bell, E. S. Bell, Benton, Borland, Brummell, Bryan, Buie, Burgess, Byrd, Byrum, Chambers, Clark, Clingman, Coor, Collins, Davenport, Davis, Deberry, Dodson, Dudley, Dunn, Erwin, Fitzrandolph, Foreman, Frink, Gary, Graham, L. A. Gwyn, Hall, Hammond, N. Harrison, Harper, Hassell, Hawkins, Henry, Hester, Hill, Hooker, Hope, Hoskins, Howard, Howerton, Hunt, Hutchison, Jacocks, Jeffreys, Judkins, Kelly, King, Kenan, I. W. Lane, W. B. Lane, Lee, Lilly, Lindsay, Lyon, Manly, Mathews, Moore, Moye, Muse, J. A. D. M'Neill, D. McNeill, M'Pherson, Neale, Pickett, Pippin, Poindexter, Powell, Rayner, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Sloan, Smallwood, George Smith, Giles Smith, Speller, Stallings, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, J. H. Walker, West, Whitley, Williamson, Wooten.

Whereupon the said bill was read the second time and passed.

The House then adjourned, until to-morrow morning 10 o'clock.

TUESDAY, DECEMBER 8, 1835.

Mr. Jacocks in pursuance of notice given yesterday, now moved the following amendment to the rules of order, viz:

Resolved, That from and after this day, whenever this House agrees to adjourn, it shall each day stand adjourned until 10 o'clock A. M.; unless otherwise ordered by the House, at which time the Speaker shall call the House to order, and proceed to business.

Resolved, That this House, will on each and every day, during the remainder of the session, take a recess from one, until three o'clock P. M.; and during said time, the Speaker shall leave the chair without motion, and business be suspended.

Resolved further, That no bill of a private nature, shall be introduced into this House

from and after Saturday next; unless it is with the consent of two thirds of the members present.

Mr. Graham moved that the two first resolutions be stricken out; the question thereon was decided in the negative; Mr. Manly moved that the second resolution be stricken out; the question thereon was decided in the affirmative; the first and third named resolutions were thereupon read and rejected.

Mr. Waddell presented the petition of the sheriff of Orange county, praying that certain taxes paid by him into the public treasury through mistake, be refunded to him, which was referred on Mr. Waddell's motion to the committee on claims.

Mr. Stockard presented the petition of Thomas Roberts of Orange county, praying to be divorced, which was on motion of Mr. Stockard, referred to the committee on propositions and grievances.

Mr. Erwin presented a petition from sundry citizens of Burke and Yancy counties, relating to an alteration of the law establishing a road from Morganton to Burnsville, which was on Mr. Erwin's motion referred to the committee on private bills.

Mr. Bedford presented the petition of Edmund Harden of Rutherford county, praying to be divorced, which was read, and on motion of Mr. Bedford, referred to the committee on propositions and grievances.

Mr. Manly from the committee on the judiciary, to whom the subject was referred, reported certain resolutions directing an exchange of the supreme court reports; which were read the first time and passed.

Mr. Guthrie from the committee on private bills, to whom was referred the bill to legitimate John Oxendyne of the county of Robeson, reported the same without amendment; when the said bill was read the second time and rejected.

Mr. Guthrie from the same committee, to whom was referred the petition of Mary Walls, reported a bill to divorce the said Mary Walls; which was read the first time and passed.

Mr. Clark from the committee on the judiciary who were directed to inquire into the expediency of amending the wreck and pilot laws, reported that no further legislation on the subject, is at this time necessary, and prayed to be discharged from the further consideration thereof; the report was concurred in.

Mr. Graham from the same committee, reported unfavorably on the bill heretofore committed to them, entitled a bill to permit Lawyers resident in other States to practise in the superior and county courts of this State in certain cases. The bill was thereupon read the second time and rejected.

Mr. J. W. Guinn presented the following resolution, viz:

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of making an appropriation of dollars to assist in opening and constructing a road from the house of John Bryson sen., in the county of Macon, to run through the mountains on the most practicable route to the South Carolina line, so as to intersect the road now constructing from Pickens court house in South Carolina, to the North Carolina line.

Resolved further, That if said committee think it not advisable to make an appropriation for the purpose aforesaid, that they then inquire into the ways and means of constructing said road, so as to promote the value of the large fertile surveyed territory now belonging to the State, that is now almost entirely uninhabited, owing to the fact that there is no way by which purchasers can approach it only by single horses.

The said resolutions were read and rejected.

Mr. Carson presented a resolution in favor of John Cooper of Rutherford county; which was read the first time and passed.

A message from the Senate proposing that Friday evening next, be set apart for recommending field officers in the militia and justices of the peace; the proposition was agreed to.

The bill authorizing David Thally of New Hanover county, to erect a bridge across the north-east branch of the Cape Fear river; the bill for the better regulation of the slave laborers in the town and port of Wilmington; the bill to divorce Catharine Parks from her husband Gabriel Parks; and the bill to divorce Elizabeth H. M'Caw of Rowan, from her husband William B. M'Caw, were each read the second time and passed.

The engrossed bill to incorporate the Deep River Gold Mining Company was read the second and third times, passed and ordered to be enrolled.

The bill to restore to credit John Masters of Yancey county, was read the second time and passed.

The bill to legitimate Thomas Petit of Surry county, was read the third time, passed and ordered to be engrossed.

The bill to incorporate the Raleigh and Gaston Rail Road Company, was read the second time; Mr. Gary moved to amend the bill by providing that the corporation shall exercise the corporate power hereby granted for sixty years, and no longer, without a renewal of their charter; the question thereon was decided in the negative; sundry blanks in the bill were filled on motion of Mr. Graham; and the question shall the said bill pass its second reading as amended? was decided in the affirmative.

A message from the Senate proposing to raise a joint select committee consisting of three members on the part of each House, to inquire into and report what laws are necessary to be enacted the present session of this General Assembly, in consequence of the ratification of the amendments to our constitution; the proposition was agreed to, and Messrs. Graham, Hoke and Williamson, appointed the committee on the part of this House.

A message from the Senate, agreeing to print the report of the board for internal improvement.

The House then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, DECEMBER 9, 1835.

Received from the Senate, a message, informing that they had passed the following engrossed bills and resolutions, viz: a bill to abolish the offices of trustee and treasurer of public buildings, in the counties of Gates, Chowan and Mecklenburg, and for other purposes; a bill to alter the names of Hardy Lewis and Brittain Lewis of the county of Moore, and to legitimate them; a bill to amend an act passed in the year 1822, entitled an act for the division of Rowan county; a bill to authorize and empower David T. Sawyer, to lay off a road, and for other purposes; and a resolution in favor of William T. Bain; and asking the concurrence of this House; the said bill and resolutions were each read the first time and passed.

On motion of Mr. Brummell, the bill to amend an act passed in the year 1822, entitled an act for the division of Rowan county, was read the second time; Mr. Walton moved that the bill be postponed indefinitely; the question thereon was decided in the negative, and the bill passed its second reading; on motion of Mr. George Smith, the said bill was again read the third time, and the question shall the said bill pass its third reading? was determined in the affirmative; ordered that said bill be enrolled.

Mr. Graham from the committee on the judiciary to whom was referred

so much of the message of his excellency the Governor, as relates to the establishment of a seventh judicial circuit, reported that it is not expedient at this time to legislate in the manner suggested, and asked to be discharged from the further consideration of the subject; the report was concurred in.

Mr. King from the committee on propositions and grievances, made an unfavorable report on the petition of Isaac Cheatham of Stokes county for a divorce, and asked that the committee be discharged from the further consideration of the subject; the report was concurred in.

A message from the Senate transmitting a report from the committee of finance on the state of the treasury and proposing that the two Houses ballot immediately for public treasurer, and nominating for the office Samuel F. Patterson; the proposition to ballot was agreed to, and Messrs. Jervis and Swanner appointed a committee to conduct the balloting; a message from the Senate, informing that Messrs. Edmonston and Baker form said committee on their part.

Mr. Sanders presented the following resolution, which was read and adopted.

Resolved, That the committee on the Judiciary be instructed to inquire into the laws regulating the laying off Widow's dowers, and report whether or not it be expedient to so amend them as to lessen the costs thereon.

The engrossed bill to amend an act, entitled an act to incorporate the Roanoke and Raleigh Rail Road Company, was read the second time, amended on motion of Mr. Rogers, and passed; on motion of Mr. Rogers, the said bill was again read the third time and passed; ordered that the concurrence of the Senate be asked in the amendment.

Mr. Rogers presented the petition of Tempe Hall of Wake county, wife of Thomas Hall, praying to be divorced; said petition together with documents accompanying, was on Mr. Rogers' motion, referred to the committee on propositions and grievances.

Mr. Kelly presented a petition from certain inhabitants of Montgomery county, praying that a portion of said county be attached to the county of Moore; which was referred on Mr. Kelly's motion to the committee on propositions and grievances.

Mr. David M'Neill presented a petition from certain citizens of Cumberland county, praying that a law be passed, securing to Margaret Hunt, wife of William Hunt, such property as she may hereafter acquire; which was on motion of Mr. M'Neill, referred to the committee on propositions and grievances.

Mr. Bryan presented a certificate from the clerk of the county court of craven in favor of John Rhem, Christopher Bexley and Thomas Ewell, State Pensioners; the certificate was read, and on motion of Mr. Bryan, ordered to be countersigned by the Speaker of this House, and sent to the Senate.

On motion of Mr. King,

Resolved, That a select committee be instructed to inquire into the expediency of so altering the time of holding the superior courts in the sixth judicial circuit as that the superior courts of Iredell shall be held on the week after Mecklenburg Superior court, and also the propriety of adding Surry to the Hillsborough circuit.

Said committee consists of Messrs. King, Poindexter, Waddell, J. W. Guinn and W. Horton.

Mr. Kelly introduced a bill concerning the prosecution and trial of accessories in certain cases; and Mr. McCleese a bill to amend in part an act

passed in the year 1834, entitled an act concerning a public road leading from Columbia in Tyrrell county to Plymouth; these bills were read the first time and passed.

The bill to authorize a subscription upon the part of this State to the capital stock of the Oconalufy Turnpike Company; the bill amending of the act passed in the year 1822, entitled an act for the relief of debtors for debts which may be contracted after the first day of May next; and the bill to repeal an act passed in 1833, entitled an act directing the judges of the superior courts of Hyde county not to take up State cases before the third day of court; were each read the second time and passed.

The bill to repeal in part the 13th section of an act authorizing the making a turnpike road in the county of Buncombe, passed in the year 1824, was read the third time, passed and ordered to be engrossed.

The bill to regulate the practice of hawking and peddling in this State was read the third time; Mr. Manly moved to amend the bill by adding the following section:

"Be it further enacted, That it shall not be lawful for any person hereafter to hawk or peddle any goods, wares or merchandize manufactured of materials not the growth or produce of this State, within the limits of an county, without first having obtained a certificate from the court of said county, and license from the sheriff according to the provisions of the two first sections of this act; for which license the applicant shall pay into the hands of the sheriff, a tax of ten dollars; the question thereon was decided in the negative. Mr. Hoke moved to amend the bill by striking out the words "twenty-five dollars," prescribing the tax, and insert twenty dollars the question thereon was decided in the affirmative—Yeas 74, Nays 47 the yeas and nays demanded by Mr. Buie,

Those who voted in the affirmative were, Messrs. Benton, Bedford, E. S. Bell, Borland, Braswell, Brown, Brummell, Bryan, Byrd, Cansler, Carson, Chamber Clark, Clement, Clingman, Cotten, Dunn, Eaton, Erwin, Fleming, Frink, Graham, J. W. Guinn, L. A. Gwyn, Hammond, Harris, N. Harrison, Hassell, Hawkin Hester, Hill, Hoke, Hope, J. Horton, W. Horton, Hutchison, Irion, Jacobs, Jeffreys, Jervis, Jones, Judkins, King, W. B. Lane, Lee, Lilly, Lindsay, Loudermil Mathews, Moore, McCleese, Neal, J. H. Perkins, A. Perkins, Pickett, Poindexter Rayner, Rogers, Rush, Sanders, Siler, Geo. Smith, J. L. Smith, Giles Smit Stallings, Stockard, Swindell, Waddell, J. R. Walker, J. H. Walker, Walto Watts, Witcher.

Those who voted in the negative were, Messrs. Baker, T. Bell, Buie, Burger Byrum, Coor, Collins, Davenport, Davis, Deberry, Dodson, Fitzrandolph, Foman, Gary, Granbury, Hall, Harper, Henry, Hooker, Hoskins, Howard, Houghton, Kelly, Kenan, I. W. Lane, Manly, Moye, Muse, J. A. D. McNeill, D. McNeill, McPherson, Pippin, Powell, Riddick, Roebuck, Sloan, Smallwood, Speller Swanner, Taylor, Thomas, Thompson, Tomlinson, Tuton, Watson, White Wooten.

The said bill was further amended on motion of Mr. Waddell, passed and ordered to be engrossed.

Mr. Swanner from the balloting committee for Public Treasurer, reported that Samuel F. Patterson had received a majority of the whole number of votes, and was duly elected; the report was concurred in.

The bill to alter and amend an act passed in 1834, chapter 124, entitled an act appointing commissioners to lay off a road from Morganton in Burke county, by Burnsville and Barnett's station, to the Tennessee line, was read the second time, amended on Mr. Byrd's motion, and passed.

JOURNAL OF THE HOUSE OF COMMONS.

Mr. Jarvis presented the following resolution, which was read and adopted, viz:

Whereas, it sometimes happens that entry takers resign or die before they have issued warrants on entries made in their office; and whereas in some of the counties of this State the successors of such entry takers doubt their right and others to issue warrants on the entries made with their predecessors; and therefore,

Resolved, That the committee on the Judiciary be directed to enquire if there be any defect in the laws on this subject, and that they have leave to report by bill or otherwise.

Received from his Excellency the Governor, a message transmitting a communication from the commissioners appointed to revise and digest the public statute laws of the State; the message was read, and on motion of Mr. Dudley, ordered that the same be referred to the committee heretofore raised on that subject.

Received from his Excellency Governor Swain, the following communication:

To the General Assembly of the State of North Carolina:

GENTLEMEN: I have the honor to transmit herewith a memorial from the citizens of Charleston; and a memorial from the citizens of Columbia, South Carolina, on the subject of the proposed Charleston and Cincinnati Rail Road; these papers were presented at this department yesterday by T. H. Elmore, Esq., who has been deputed by the memorialists under the sanction of the Legislature of South Carolina, to perform this duty.

In my message, at the commencement of the session, I had occasion to submit very briefly some of the views which I entertained upon this subject, and commended the enterprize to your favorable consideration. I should be tempted at present to enter into a more extended discussion with regard to it, if the task had not been exceedingly well performed by the memorialists themselves.

I deem it scarcely necessary to remark in addition, that a very slight examination of the topography of the Southern and Western States, and acquaintance with the condition, necessities and resources of North Carolina, will serve to show that the memorialists have no deeper interest in the success of this magnificent scheme than the great body of our citizens.

The spirit and liberality which have characterized the proceedings of our sister State in the promotinn of this work, are worthy of all praise, and fully sustain the high character for intelligence and enterprize, which have hitherto distinguished her councils

(Signed)

DAVID L. SWAIN.

The foregoing communication was read, and on motion of Mr. Guthrie, referred to the committee heretofore raised on the subject.

The House then adjourned, until to-morrow morning 10 o'clock.

THURSDAY, DECEMBER 10, 1835.

A message from the Senate informing that they had passed the following engrossed bills and resolutions, viz: a bill to authorize the trustees of William's church, in the county of Martin, and their successors in office to hold and possess one acre of land on which said church is situated; a bill making compensation to the tales jurors in the county of Randolph; and a resolution in favor of Leonard Buckannon, and asking the concurrence of this House; the said bills and resolution were each read the first time and passed.

A message from the Senate informing that Messrs. Bryan, Wyche, and Little, form the committee on the part of the Senate, to inquire into and report what laws are necessary to be enacted at the present sesssion in consequence of the ratification of the amendments to the constitution.

Mr. King from the committee on propositions and grievances, reported a bill to emancipate Lucy Ann, Emmaline and Priscilla, of Cumberland county, which was read the first time and passed.

Mr. Neale presented a petition from sundry citizens of Craven county, praying that a law be passed curtailing the privileges of free negroes in

said county, which was on Mr. Neale's motion referred to the committee on the judiciary.

Mr. J. W. Guinn from the committee on propositions and grievances, to whom was referred a bill to divorce Pharoah Perkins, reported unfavorably thereon; when the said bill was read the second time and rejected.

Mr. J. W. Guinn from the same committee reported unfavorably on the petition of H. Delamotte of Montgomery county, and asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Irion introduced a bill to incorporate the Milton and Salisbury Rail Road Company; which was read the first time and passed.

On motion of Mr. Dudley, leave of absence from the service of the House from yesterday, until Monday next, was granted to Mr. Bond.

Mr. Jacocks moved that the vote of yesterday, on the third reading of the bill to amend an act entitled an act to incorporate the Roanoke and Raleigh Rail Road Company, be now re-considered; the motion prevailed, when the said bill on motion of Mr. Hawkins, was laid on the table.

Mr. Guthrie from the committee on private bills, to whom the subject was referred, reported a bill to emancipate Delia, (a slave) which was read the first time and passed.

Mr. Rayner from the committee on claims, to whom the subject was referred the resolution in favor of James Thompson of Iredell county, reported favorably thereon, when said resolution was read the second time and passed.

A message from the Senate informing that they concur in the amendments proposed by the House of Commons, to the engrossed bill to incorporate the Deep River Gold Mining Company; ordered that said bill be enrolled.

Mr. Dudley from the select committee, to whom was referred the resolution relating to the Wilmington Marine Hospital Association, reported the same with an amendment; the amendment was read and concurred in; and the resolution read the second time and passed.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz; a bill to provide for the payment of the instalments on the shares reserved to the State in the capital stock of the bank of the State of North Carolina; a bill regulating the times of holding one of the terms of the courts of pleas and quarter sessions for the county of Macon; and a resolution in favor of Zachariah Candler; and asking the concurrence of this House; the said bills and resolution were read the first time and passed.

The bill to restore to credit George Tapp of Person county, was read the second time and rejected.

The engrossed bill to authorize David Thally of New Hanover county to erect a bridge across the north east branch of the Cape Fear River was read the third time, passed and ordered to be enrolled.

The bill to restore to credit John Masters of Yancy county, was read the third time, passed and ordered to be engrossed.

The bill for the better regulation of the slave laborers in the town and port of Wilmington, was read the third time, passed and ordered to be engrossed.

Mr. Waddell presented a petition from the citizens of sundry counties and towns in the State of Virginia, praying the passage of a law incorporating a company authorized to construct a rail road from the town of Evansham, in the county of Wythe, by Danville, through the territory of this State, to some point on the Roanoke river therein designated; the said petition was on motion of Mr. Waddell, ordered to be sent to the Senate, with a proposition that it be referred to a joint select committee.

The resignations of Samuel T. Hawley as Col. of the Regiment of Artillery; of George Ferguson as Col. of the 75th Regiment; of N. M. Hemby as Major

of Cavalry attached to the 14th Brigade of Militia; and of James Harrison of Jones county, Ashley Tunnel of Johnston, and of John Broadway of Anson, justices of the peace, were presented, read and accepted.

On motion, a message was sent to the Senate, informing them of the readiness of this House, to receive the Senate in the Commons Hall, for the purpose of witnessing the qualification of the Governor or elect according to previous arrangements, when Richard D. Spaight attended by the late Governor, David L. Swain and the joint select committee heretofore appointed, waited upon the General Assembly, both branches being convened in the Commons Hall, and took the oaths prescribed by law, for the qualification of the Governor of the State; the oaths being administered by Allen Rogers jr. a justice of the peace of the county of Wake.

The House then adjourned until to-morrow morning 10 o'clock.

FRIDAY, DECEMBER 11, 1835.

Mr. Guthrie from the committee on private bills, reported a bill to divorce William Hines of the county of Wayne; which was read the first time and passed.

Mr. Guthrie from the same committee, reported a bill to divorce Margaret Massey, from her husband Thomas H. Massey of Chowan county; which was read the first time and passed.

Mr. J. H. Walker, presented the petition of Mary Anderson, wife of Charles Anderson of Haywood county, praying to be divorced from her husband; which was referred to the committee of propositions and grievances.

Mr. Cansler introduced a bill for the better regulation of the county courts of Lincoln, which was read the first time and passed

Mr. Hybart introduced a bill to incorporate the Raleigh and Fayetteville Rail Road Company; which was read the first time and passed; and on motion of Mr. Hybart, referred to the committee on internal improvement.

A message from the Senate transmitting to the House the resignation of Mr. W. Hall, one of the engrossing clerks; and proposing that a balloting be had immediately, to fill the vacancy, and informing that Watson W. Woodburn and Thomas L. West, are nominated for the appointment; the proposition was agreed to; the name of J. J. Thomas, was on motion of Mr. Rogers, added to the nomination, and Messrs. Henry and Buie, appointed a committee to conduct the balloting; a message from the Senate, informing that Messrs. Moorehead and Marsteller, form said committee on their part.

On motion of Mr. L. A. Gwyn,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee to inquire into the expediency of providing a residence in this city, for His Excellency the Governor.

Mr. Hutchinson introduced a bill directing the time of holding the courts of pleas and quarter sessions in the county of Mecklenburg; and Mr. J. W. Guinn a bill to incorporate the Franklin Turnpike Company, and for other purposes; these bills were read the first time and passed.

Mr. J. W. Guinn from the committee on propositions and grievances, reported a bill to emancipate Nelson a slave; the said bill was read the first time; and on motion of Mr. Baker rejected—Yeas 63, Nays 55. The yeas and nays demanded by Mr. Smallwood,

Those who voted in the affirmative were, Messrs. Baker, Bedford, Benton, Braswell, Brown, Brummell, Burgess, Byrum, Clarke, Clingman, Coor, Crump, Davenport, Davis, Deberry, Dodson, Dudley, Foreman, Fleming, Gary, Graham, L. A. Gwyn, Hall, Hammond, N. Harrison, Harper, Hassell, Henry, Hooker, Hope, Hoskins, Howard, Irion, Jacocks, Judkins, Kenan, Lee, Lindsay, Matthews, Moore, Moye, Muse, McPherson, McRae, J. H. Perkins, Powell, Rayner-Riddick, Roebuck, Rogers, Sanders, Smallwood, Geo. Smith, Speller, Stallings, Stockard, Swindell, Taylor, Thomas, Thompson, West, Whitley.

Those who voted in the negative were, Messrs. T. Bell, Bryan, Buiesler, Chambers, Clement, Cotten, Dunn, Eaton, Erwin, Fitzrandolph, Frank, Gorrell, J. W. Guinn, Guthrie, Harris, Hawkins, Hester, Hill, Hoke, J. Horton, W. Horton, Howerton, Hunt, Hutchison, Hybart, Jones, Jordan, Kelly, I. Lane, W. B. Lane, Lilly, Loudermilk, Lyon, J. A. D. McNeill, D. McNeill, J. A. Perkins, Pickett, Pippin, Poindexter, Rush, Siler, Sloan, J. L. Smith, George Smith, Swanner, Tuton, Waddell, Walton, Watson, Watts, Witcher, and Wooten.

The bill to incorporate the Wilmington Marine Hospital Association, was read the second and third times, passed and ordered to be engrossed.

Mr. Buie from the balloting committee for an engrossing clerk, reported that Thomas L. West had received a majority of the whole number of votes, and was elected; the report was concurred in.

The resignation of Benjamin Tucker of Pitt county; of Thomas S. Cotten of Montgomery; of James Law of Davidson, justices of the peace; and of S. Loudermilk as Col. Commandant of the 2d Regiment of Iredell Militia, were presented, read and accepted.

The engrossed bill to amend an act, entitled an act to incorporate the Roanoke and Raleigh Rail Road Company, was read the third time; on motion of Mr. Jacobs, amended and passed; ordered that the concurrence of the Senate be asked in the amendment.

The engrossed bill defining the duty of the county courts in appointing Patrols and the duty of Patrols, was read the second time, and on motion of Mr. Clark, indefinitely postponed.

The bill appointing commissioners to run the division line between the counties of New Hanover and Bladen, was read the second time; and on motion of Mr. Dudley, laid on the table.

The bill to amend an act entitled an act for the regulation of the Patrol, passed in 1830, was read the second time; and on motion of Mr. Jacobs, postponed indefinitely—Yeas 60, Nays 60. The yeas and nays demanded by Mr. Hall.

Those who voted in the affirmative were, Messrs. Benton, Borland, Braswell, Brown, Buie, Byrd, Clement, Cotten, Dudley, Dunn, Fitzrandolph, Fleming, Frank, Gorrell, Guthrie, L. A. Gwyn, Harris, J. Harrison, N. Harrison, Hawkins, Hester, Hoke, Hooker, Hope, J. Horton, W. Horton, Hutchison, Hybart, Jones, Jacobs, Jervis, Jones, Kelley, W. B. Lane, Lee, Lilly, Loudermilk, Lyon, Matthews, Moye, Muse, McPherson, J. H. Perkins, A. Perkins, Powell, Rayner, Rush, Sloan, George Smith, J. L. Smith, Giles Smith, Stallings, Taylor, Thomas, Tuton, Watson, Watts, West, Williamson, Witcher.

Those who voted in the negative were, Messrs. Baker, Bedford, T. Bell, S. Bell, Bryan, Burgess, Byrum, Cansler, Chambers, Clarke, Clingman, Cooper, Collins, Crump, Davenport, Davis, Deberry, Eaton, Erwin, Foreman, Gentry, Gary, Graham, J. W. Guinn, Hall, Hammond, Harper, Hassell, Henry, Hoskins, Howerton, Hunt, Judkins, Kenan, King, I. W. Lane, Lindsay, Manly, Moore, J. A. D. McNeill, M. Rae, Neal, Pippin, Pickett, Poindexter, Roebuck, Rogers, Sanders, Siler, Smallwood, Speller, Stockard, Swanner, Swindell, Thompson, Waddell, J. R. Walker, Walton, Whitley, Wooten.

The House being equally divided, the Speaker voted in the affirmative; and so the bill was postponed indefinitely.

A message from the Senate, proposing that the memorial of sundry citizens of Virginia, on the subject of a Rail Road, be referred to a joint select committee. The proposition was agreed to; and Messrs. Waddell, Dudley, Poindexter, Buie and Benton, appointed the committee on behalf of the House.

The House then adjourned until to-morrow morning 10 o'clock.

Mr. J. W. Guinn, from the committee on propositions and grievances to whom was referred the petition of certain citizens of Orange county, relation to the time of closing the polls at one of the separate elections, reported against the expediency of legislating on the subject, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. J. W. Guinn, from the same committee, reported unfavorably on the petition of Margaret Hunt of Cumberland county, and asked to be discharged. The report was concurred in.

Mr. J. W. Guinn, from the same committee, reported unfavorably on the petition of Jefferson Judd of Moore county; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Kelly, from the same committee, reported favorably on the bill authorizing the Governor to issue a grant to James Truitt, for a tract of land in the county of Macon, proposing certain amendments thereto; which were concurred in, and the said bill read the second time and passed.

Mr. Kelly, from the same committee, to whom the subject was referred reported a bill to attach a part of Montgomery county to the county of Moore. Mr. Lilly moved that said bill be rejected; and the question thereon was decided in the affirmative.

George Barnhardt, the member elect from the county of Cabarrus, to supply the vacancy occasioned by the resignation of D. M. Barringer, appeared, exhibited his credentials, and was qualified according to law.

Mr. McPherson introduced a bill to alter the time of holding the elections in the counties of Currituck and Camden; which was read the first time and passed.

The engrossed bill authorizing and requiring the captains or commanding officers of militia, attached to the 30th, 31st, and 68th regiments North Carolina militia, to muster their respective companies once in three months, was read the second time, amended, and passed.

Mr. Fitzrandolph introduced a bill to abolish the office of county trustee in the county of Bladen; which was read the first time and passed.

Mr. Coor presented the petition of Silas Barnes of Wayne county, praying to be restored to credit; which was referred to the committee on propositions and grievances.

The bill to divorce Lucy Calvert; the bill to divorce Mary Walls; the bill to divorce Elizabeth Silva; and the bill to divorce Frances Cloutier were each read the second time and passed.

Mr. Hall presented a bill regulating the price of vacant lands not exceeding 640 acres; which was read the first time and passed; and, on motion of Mr. Hall, referred to the committee on Education.

Mr. N. Harrison introduced a bill to repeal an act relative to hands working on roads in the counties of Burke and Buncombe; which was read the first time and passed.

Mr. Hunt introduced a bill to construct a central Rail Road from the port of Beaufort to the Tennessee line; which was read the first time and passed; and, on motion of Mr. Hunt, referred to the committee on Internal Improvement, and ordered to be printed.

Mr. Jacocks, from the committee on finance, reported a resolution directing a sale of the unsold Cherokee lands; which was read the first time and passed.

On motion of Mr. Cotten, the bill to divorce Frances Cloud, was again read; and the question, shall the said bill pass its third reading? was decided in the affirmative—Yeas 78, Nays 35. The yeas and nays demanded by Mr. Thomas,

Those who voted in the affirmative, were, Messrs. Bedford, E. S. Bell, Brown, Bryan, Byrd, Cansler, Carson, Chambers, Clarke, Clement, Cotten, Crump, Davenport, Dodson, Dudley, Dunn, Eaton, Erwin, Fitzrandolph, Foreman, Fleming, Frink, Gee, J. W. Gunn, Guthrie, L. A. Gwyn, Hammond, Harris, N. Harrison, Hawkins, Henry, Hester, Hill, Hooker, J. Horton, W. Horton, Hoskins, Howerton, Hybart, Jacocks, Jervis, Jones, Jordan, Judkins, Kelly, I. W. Lane, W. B. Lane, Lee, Lilly, Loudermilk, Lyon, Moye, M'Rae, J. H. Perkins, A. Perkins, Pippin, Poindexter, Roebuck, Rogers, Rush, Siler, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Waddell, J. H. Walker, Walton, Watson, Watts, West, Whitley, Witcher.

Those who voted in the negative, were, Messrs. T. Bell, Benton, Borland, Braswell, Buie, Burgess, Byrum, Barnehardt, Clingman, Deberry, Gary, Gorrell, Graham, J. Harrison, Harper, Hope, Howard, Irion, Kenan, Lindsay, Manly, Mathews, Moore, Muse, M'Pherson, Pickett, Powell, Riddick, Sanders, Smallwood, Thomas, Thompson, Tomlinson, Tuton, Williamson.

Ordered that said bill be engrossed.

The bill to divorce William Hines; the bill to divorce Lucy Calvert; and the bill to divorce Mary Walls, were each read the third time, passed, and ordered to be engrossed.

The bill to divorce Margaret Massey, was read the second and third times, passed, and ordered to be engrossed.

The bill to divorce Elizabeth Silva, was read the third time, passed, and ordered to be engrossed.

The engrossed bill to divorce Catharine Parks from her husband Gabrel Parks; and the bill to divorce Elizabeth H. McCaw of Rowan, from Wm. B. McCaw, were each read the third time, passed, and ordered to be enrolled.

Mr. Kenan moved that the House do now reconsider their vote given yesterday, rejecting the bill to emancipate Nelson a slave. The question, will the House so reconsider? was decided in the negative—Yeas 59, Nays 60. The yeas and nays demanded by Mr. Clarke,

Those who voted in the affirmative, were, Messrs. E. S. Bell, Brummell, Bryan, Buie, Byrd, Byrum, Cansler, Carson, Clement, Coor, Collins, Cotten, Davis, Dunn, Eaton, Erwin, Fitzrandolph, Frink, Gee, J. W. Gunn, Guthrie, L. A. Gwyn, Hall, N. Harrison, Hawkins, Henry, Hester, Hoke, J. Horton, W. Horton, Hybart, Jordan, Judkins, Kenan, I. W. Lane, W. B. Lane, Lilly, Lyon, Manly, J. A. D. McNeill, D McNeill, A. Perkins, Pickett, Pippin, Rogers, Rush, Siler, Sloan, J. L. Smith, Giles Smith, Tomlinson, Tuton, Waddell, J. R. Walker, Watson, Watts, West, Williamson, Witcher.

Those who voted in the negative were, Messrs. Baker, Bedford, T. Bell, Benton, Borland, Braswell, Brown, Burgess, Barnehardt, Chambers, Clark, Clingman, Crump, Davenport, Deberry, Dodson, Dudley, Foreman, Fleming, Gary, Gorrell, Graham, Hammond, Harris, W. Harrison, Harper, Hooker, Hope, Howard, Hunt, Irion, Jacocks, Jervis, Jones, Kelly, King, Lee, Lindsay, Mathews, Moore, Moye, Muse, M'Pherson, M'Rae, J. H. Perkins, Poindexter, Riddick, Sanders, Smallwood, George Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thompson, Walton, Whitley, Wooten.

The bill to establish the Merchants' and Farmers' Bank in the town of Washington, was read and amended; and, on motion of Mr. Muse, the further consideration thereof postponed till Monday next.

The bill to incorporate the Raleigh and Gaston Rail Road company; and the bill to repeal an act passed in 1833, entitled an act directing the judges of the superior courts of Hyde county, not to take up State cases before the third day of court, were each read the third time, passed, and ordered to be engrossed.

The engrossed bill providing a reward for taking up runaway slaves, the property of citizens of this State, in non-slave holding States, was read the second time and rejected.

The engrossed bill to authorize a subscription, upon the part of this State, to the capital stock of the Oconalufly turnpike company, was read the third time and rejected.

The engrossed bill amendatory of the act passed in the year 1822, entitled an act for the relief of debtors, for debts which may be contracted after the first day of May next, was read the third time, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill to incorporate the Cincinnati and Charleston Rail Road company; a bill to repeal an act, entitled an act to make compensation to the jurors of the superior court of Haywood county; a bill to incorporate the Long Creek Gold mining company in the county of Mecklenburg; a bill to incorporate Campbell's Creek Gold mining company; and a bill to divorce Elizabeth M. Starnes of Macon county; and asking the concurrence of this House. These bills were read the first time and passed.

On motion of Mr. Dudley, the bill to incorporate the Charleston and Cincinnati Rail Road Company, was ordered to be printed and made the order of the day for Tuesday next, and referred to the committee of the whole.

A message from the Senate, informing that they have passed the following engrossed bills and resolution, viz: A bill to divorce Margaret P. Spear, from her husband Alexander Spear; a bill to restore to credit William Jackson of the county of Wayne; and a resolution for adjournment; and asking the concurrence of this House. The said bills were read the first time and passed; and the resolution for adjournment, on motion, laid on the table.

A message from the Senate, agreeing to the proposition of this House, to raise a joint select committee, to enquire into the expediency of providing a residence in this city, for his Excellency the Governor; and informing that Messrs. Edwards, Bryan, and Cooper of Martin, form said committee on the part of the Senate; and that Messrs. L. A. Gwyn, Hybart, and McRae, compose said committee on the part of the Commons.

The certificate of the county court of Craven, in favor of John Rhem, Christopher Bexley, and Thomas Ewing, State pensioners, was received from the Senate, and countersigned by the Speaker of that body.

The resignation of James Whittenton, and Henry H. Tharp, justices of the peace of the county of Johnston, received from the Senate, were read and accepted.

The House then adjourned until Monday morning 10 o'clock.

MONDAY, DECEMBER 14, 1835.

Mr. Sanders moved that the House do reconsider their vote of Saturday, rejecting the bill to restore to credit William Jackson of Wayne

county; and called for the yeas and nays. The question on reconsidering was decided in the negative—Yeas 41, Nays 55.

Those who voted in the affirmative, were, Messrs. Bedford, Benton, Brown, Bryan, Byrd, Byrum, Coor, Davis, Deberry, Fitzrandolph, Guthrie, Hammond, Harris, Harper, Hawkins, Henry, Hooker, W. Horton, Hybart, I. W. Lane, Lilly, Loudermilk, Moye, J. A. D. M'Neill, A. M'Neill, M'Rae, Neale, Pippin, Rush, Sanders, Siler, J. L. Smith, Giles Smith, Swanner, Taylor, Thompson, Tomlinson, J. H. Walker, Watson, Watts, Wooten

Those who voted in the negative, were, Messrs. Baker, Borland, Braswell, Brunmell, Buie, Burgess, Causler, Chambers, Clingman, Crump, Davenport, Dodson, Dudley, Dunn, Erwin, Foreman, Fleming, Frink, Cary, Gee, Gorrell, Granbury, L. A. Gwyn, Hall, N. Harrison, Hill, Hope, J. Horton, Irion, Jervis, Jones, Judkins, Kelly, Kenan, W. B. Lane, Lee, Lindsay, Lyon, Manly, Mathews, Moore, M'Pherson, Pickett, Riddick, Smallwood, George Smith, Speller, Stallings, Swindell, Thomas, Waddell, Walton, West, Williamson, Witcher.

Mr. Hawkins moved that the House do reconsider their vote of Saturday rejecting the engrossed bill to authorize a subscription on the part of this State to the capital stock of the Oconalufy Turnpike Company; the question thereon was decided in the affirmative, and the said bill again read the third time, passed and ordered to be enrolled.

Mr. Waddell from the select committee to whom was referred the memorial of sundry citizens of Virginia, upon the subject, reported a bill to incorporate the Roanoke, Danville, and Junction Rail Road Company; and to re-enact with certain alterations the act incorporating the Roanoke and Yadkin Rail Road Company, passed in the year 1833; the said bill was read the first time and passed; and on motion of Mr. Dudley, ordered that the said bill and the report of the committee be printed.

Mr. Graham introduced a bill to declare and amend the law respecting public jails in certain cases; Mr. Pippin a bill concerning the patrol in Edgecombe county; and Mr. Erwin a bill to amend an act passed in 1829, chapter 57, entitled an act to authorize the court of pleas and quarter sessions of Burke county, to appoint commissioners to view and lay off a turnpike road from the Lincoln line to Jacob Mull's mill, passing through the Laurel Gap of the South Mountain, and for other purposes. These bills were read the first time and passed.

Mr. Hybart, from the committee on Internal Improvement, reported the bill to incorporate the Raleigh and Fayetteville Rail Road company, with certain amendments. The amendments were read and agreed to; and the said bill read the second time and passed.

Mr. Moore presented a bill to prevent fire hunting, in the night time, in Hyde county; which was read the first time and passed.

Mr. Jacocks, in pursuance of notice heretofore given, moved the following amendments to the Rules of order of this House:

Resolved, That from and after this day, the House, when it adjourns, shall stand adjourned until 9 o'clock A. M.—at which time, the Speaker shall call to order, and the House proceed to business.

Resolved, That from and after Wednesday next, no bill of a private nature shall be introduced or reported to this House, but with the consent of two-thirds of the members thereof.

Mr. Jacocks called for a division of the question, and moved that the vote of the House be taken on each of the resolutions separately. The motion prevailed; and the question on the adoption of the first named resolution, was decided in the negative—Yeas 75, Nays 49. Two thirds of the House not voting in favor thereof.

Those who voted in the affirmative were, Messrs. Bedford, Braswell, Brown, Bryan, Burgess, Byrd, Byrum, Barnhardt, Cansler, Carson, Clarke, Coor, Cotten, Crump, Davenport, Davis, Deberry, Dodson, Dunn, Eaton, Fitzrandolph, Foreman, Gee, Gorrell, Granbury, L. A. Gwyn, Hall, Hammond, J. Harrison, N. Harrison, Harper, Hawkins, Henry, Hester, Hill, Hoke, Hooker, Hope, W. Horton, Hoskins, Hutchison, Irion, Jacobs, Jones, I. W. Lane, W. B. Lane, Lindsay, Lyon, Moore, Moye, McPherson, Neal, Pippin, Powell, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Sloan, Smallwood, George Smith, Giles Smith, Speller, Stockard, Swanner, Swindell, Thomas, Tomlinson, Tuton, Waddell, J. R. Walker, Walton, Witcher.

Those who voted in the negative were, Messrs. Baker, E. S. Bell, Benton, Borland, Brummell, Buie, Chambers, Clement, Clingman, Collins, Dudley, Erwin, Frink, Gary, Graham, J. W. Guinn, Guthrie, Harris, J. Horton, Howard, Hunt, Hybart, Jordan, Judkins, Kelly, Kenan, King, Lee, Lilly, Loudermilk, Manly, Muse, J. A. D. McNeill, D. McNeill, McRae, J. H. Perkins, A. Perkins, Pickett, Poindexter, Rayner, L. Smith, Stallings, Thompson, J. H. Walker, Watson, Watts, West, Williamson, Wooten.

The question on the adoption of the second resolution, was decided in the affirmative—Yeas 91, Nays 30. The yeas and nays called for by Mr. Jacobs,

Those who voted in the affirmative, were, Messrs. Bedford, Braswell, Brown, Brummell, Buie, Burges, Byrum, Barnhardt, Cansler, Carson, Chambers, Clark, Clingman, Collins, Cotten, Crump, Davenport, Davis, Deberry, Dodson, Dudley, Dunn, Eaton, Fitzrandolph, Foreman, Gary, Gee, Gorrell, Graham, Granberry, L. A. Gwyn, Hall, Hammond, Harris, J. Harrison, N. Harrison, Harper, Hawkins, Hill, Hoke, Hooker, Hope, J. Horton, W. Horton, Howard, Hutchison, Irion, Jacobs, Jones, Judkins, Kelly, Kenan, I. W. Lane, W. B. Lane, Lee, Lindsay, Lyon, Manly, Matthews, Moore, Moye, Muse, J. A. D. McNeill, McPherson, McRae, Neale, Pippin, Powell, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Sloan, Smallwood, G. Smith, Giles Smith, Speller, Stallings, Swanner, Swindell, Taylor, Thomas, Thompson, Tomlinson, Waddell, J. R. Walker, Walton, Williamson, Wooten.

Those who voted in the negative, were Messrs. Baker, E. S. Bell, Benton, Bryan, Byrd, Clement, Coor, Erwin, Frink, J. W. Guinn, Guthrie, Hassell, Henry, Hester, Hybart, Jervis, Jordan, King, Lilly, Loudermilk, D. McNeill, J. H. Perkins, Pickett, J. L. Smith, Stockard, Tuton, J. H. Walker, Watson, West, Witcher,

On motion of Mr. Erwin,

Resolved, That the committee on the Judiciary be instructed to inquire into expediency of providing by law, some adequate punishment for the offence of killing or injuring horses, mules or cattle, that are ranging in the mountains.

Mr. Guthrie from the committee on private bills, to whom was referred the petition of certain citizens of Iredell county, in relation to obstructions in Fifth Creek, reported against the expediency of legislation on the subject, and asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Guthrie from the same committee reported unfavorably on the petition of certain citizens of Burke and Yancey, and asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Deberry introduced a bill to alter the name of, and legitimate William W. Eason, of the county of Edgecomb; and Mr. Cotten a resolution in favor of James G. Stockard; the said bill and resolution were read the first time and passed.

The bill concerning the inspection of flour in the town of Fayetteville, was on motion of Mr. Guthrie taken up, and read the second time; Mr. Hybart

moved that said bill be indefinitely postponed; the question thereon was decided in the negative, and the said bill passed the second reading; on motion of Mr. Guthrie, the said bill was again read the third time, passed and ordered to be engrossed.

The resignation of Elisha Sellers, as a justice of the peace of the county of Columbus, was presented, read and accepted.

A message from the Senate concurring in the amendments made by this House, to the engrossed bill to amend an act, entitled an act to incorporate the Roanoke and Raleigh Rail Road Company; ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the North Carolina Rail Road Company, with an amendment, and asking the concurrence of this House; the said amendment was read and concurred in.

A message from the Senate, informing that they had passed the following engrossed bills, viz; a bill to alter the name of Quinton Robertson of the county of Gates, and to legitimate him; and the bill to secure to the trustees of the Baptist Church, in the town of Charlotte and their successors in office, the right to hold and possess the lot on which their House of Worship is situated, and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. Harper introduced a bill to establish Hookerton Academy in the county of Greene, and to incorporate the trustees thereof; which was read the first time and passed.

The certificate of the county court of Cumberland, in favor of Ann Morrison, a State Pensioner, received from the Senate, was read and ordered to be countersigned by the Speaker of this House.

Received from His Excellency Governor Spaight, a communication transmitting the annual reports of the Treasurer of the board of trustees of the University, and the resignation of Hon. James Martin, as one of the judges of the superior courts of law and equity of this State; the resignation was read and accepted; and on motion of Mr. Graham, it was ordered that the documents referred to, be transmitted to the Senate, and that the report be printed.

Mr. Moore presented a bill to amend an act entitled an act to incorporate the Mattamuskeet Canal and Rosebay Turnpike Company, passed at the last session; which was read the first time, and passed.

The House then adjourned, until to-morrow morning 10 o'clock.

TUESDAY, DECEMBER 15, 1835.

Mr. D. M'Neill presented the certificate of the county court of Cumberland, in favor of Martha Spears, a State Pensioner; which was read and ordered to be countersigned by the speaker of this House, and to be transmitted to the Senate.

Mr. Bryan presented the certificate of the county court of Craven, placing Alexander Taylor of said county on the pension list of the State, and making him an annual allowance of fifty dollars; which was read and ordered to be countersigned by the Speaker of this House, and sent to the Senate.

Mr. J. W. Guinn, from the committee on propositions and grievances, reported unfavorably on the petition of Edmund Hardin of Rutherford, and

asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. Pickett presented a petition from certain citizens of Buncombe county, praying that the jurisdiction of the county courts of said county in jury cases, be abolished; which was read, and on motion of Mr. Pickett referred to the committee on the judiciary.

Mr. Graham from the committee on education, to whom was referred the petition of Josiah Vanderpoole, reported against the expediency of legislating on the subject, and asked to be discharged from the further consideration of the subject; the report was concurred in.

Mr. Graham from the joint select committee on that subject, reported a bill granting further time for revising and digesting the public statute laws; which was read the first time and passed, and on motion of Mr. Jacobs, ordered that the said bill and report be printed.

Mr. Jones from the committee on propositions and grievances, reported a bill to divorce Thomas Roberts of Orange county; which was read the first time and passed.

On motion of Mr. Clingman,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending our penal laws as to render the punishment in all instances capital for the offences of attempting to incite our slaves to rebellion, and circulating incendiary publications in the State.

Mr. J. W. Guinn from the committee on propositions and grievances, reported a bill to divorce Tempe Hall; which was read the first time and passed.

Mr. Clarke presented a bill to amend an act passed at the last session, entitled an act to establish the town of Leachville in Beaufort, and to appoint commissioners thereof; Mr. Gee a bill to divorce William M. Powell of Halifax county; Mr. Bryan a bill to divorce Esther E. Nelson of Craven county; and Mr. Pickett a bill to repeal an act, entitled an act concerning the town of Ashville, in Buncombe county, passed in the year 1822; these bills were read the first time and passed.

Mr. Erwin presented a bill to divorce Henry T. Gillespie, which was read the first time and passed; and on Mr. Erwin's motion referred to the committee on private bills.

The bill to alter in part, the dividing line between the counties of Surry and Rowan; the bill to authorize Hardin Franklin of the county of Surry, to erect a dam across Fisher's river; the bill to incorporate the county guard in Rockingham; the bill to amend the militia law, as respects the county of Mecklenburg; and the bill to alter the name of Haywood Waterer, and to legitimate him; were each read the second time and passed.

On motion of Dudley the order of this House directing that the bill to incorporate the Roanoke, Danville and Junction Rail Road Company, be printed, was rescinded, and the said bill made the order of the day for tomorrow.

Mr. Clark moved that the House do now take up for consideration, the engrossed resolution, heretofore laid on the table, in the following words, viz: "Resolved, that this General Assembly adjourn on the twenty-first day of December, sine die; and that the clerks be directed to make up their estimate to that day;" the question will the House now consider the said resolution? was decided in the affirmative—Yeas 101, Nays 18. The yeas and nays called for by Mr. Clarke.

Those who voted in the affirmative were, Messrs. Bedford, Borland, Braswell, Brown, Brummell, Bryan, Buie, Burgess, Byrd, Byrum, Barnhardt, Cansler, Carson, Chambers, Clarke, Coor, Cotten, Davenport, Davis, Deberry, Dodson, Dunn, Eaton, Fitzrandolph, Foreman, Frink, Gary, Gee, Gorrell, Granberry, J. W. Guinn, L. A. Gwyn, Hall, Hammond, Harris, J. Harrison, N. Harrison, Harper, Hawkins, Henry, Hester, Hill, Hoke, Hooker, Hope, J. Horton, Hoskins, Howerton, Hutchison, Hybart, Irion, Jacocks, Jervis, Jones, Jordan, Judkins, Kelly, I. W. Lane, W. B. Lane, Lee, Lindsay, Lyon, Matthews, Moore, Moye, McPherson, McRae, Neal, A. Perkins, Pippin, Poindexter, Powell, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Sloan, Smallwood, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Thompson, Tomlinson, Tuton, Waddell, J. R. Walker, J. H. Walker, Walton, Watson, Watts, Witcher, Wooten.

Those who voted in the negative were, Messrs. Baker, E. S. Bell, Benton, Clement, Clingman, Dudley, Erwin, Fleming, Graham, Guthrie, Howard, Kenan, Loudermilk, J. A. D. McNeill, D. McNeill, J. H. Perkins, Pickett, West.

Mr. J. A. D. McNeill moved that the further consideration of the resolution be postponed until the twenty-first of the present month. The question thereon was decided in the negative—Yeas 32, Nays 95. The yeas and nays demanded by Mr. Moye,

Those who voted in the affirmative were, Messrs. Baker, Bell, Benton, Brummell, Bryan, Byrum, Barnhardt, Clement, Clingman, Collins, Crump, Erwin, Graham, J. W. Guinn, Guthrie, Harris, Hunt, Hybart, Jervis, Jordan, Kenan, King, Lilly, Loudermilk, Muse, J. A. D. McNeill, D. McNeill, Neale, J. H. Perkins, J. L. Smith, J. H. Walker, Williamson.

Those who voted in the negative, were, Messrs. Bedford, Borland, Braswell, Brown, Buie, Burgess, Cansler, Carson, Chambers, Clark, Coor, Cotten, Davenport, Davis, Deberry, Dodson, Dudley, Dunn, Eaton, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gee, Gorrell, Granberry, L. A. Gwyn, Hall, Hammond, J. Harrison, N. Harrison, Harper, Hawkins, Henry, Hester, Hill, Hoke, Hooker, Hope, J. Horton, Hoskins, Howard, Howerton, Hutchison, Irion, Jacocks, Jones, Judkins, Kelly, I. W. Lane, W. B. Lane, Lee, Lindsay, Lyon, Manly, Matthews, Moore, Moye, McPherson, McRae, A. Perkins, Pickett, Pippin, Poindexter, Powell, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Sloan, Smallwood, George Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, J. R. Walker, Walton, Watson, Watts, West, Witcher, Wooten.

Mr. Hawkins, moved to strike out the words "twenty-first," and insert "twenty-fourth;" which was negatived; Mr. Graham moved to strike out the whole of the resolution, after the word resolved, and insert the following; "that a joint select committee of two on the part of each House be raised to inquire on what day the Legislature can adjourn consistently with the public interest;" Mr. L. A. Gwyn, called for a division of the question; and the question being first on striking out, was decided in the negative—Yeas 59, Nays 65.

Those who voted in the affirmative, were Messrs. Baker, Bedford, Bell, Benton, Brown, Brummell, Bryan, Buie, Byrd, Byrum, Barnhardt, Carson, Clement, Clingman, Coor, Collins, Dudley, Eaton, Erwin, Fleming, Gary, Graham, J. W. Guinn, Hall, Harris, Hassell, Hawkins, J. Horton, Hoskins, Howard, Hunt, Hybart, Jervis, Jordan, Judkins, Kenan, King, W. B. Lane, Lilly, Loudermilk, Manly, Muse, J. A. D. McNeill, D. McNeill, Neale, J. H. Pickett, Rayner, Rogers, George Smith, J. L. Smith, Stallings, Stockard, Swindell, Thomas, Waddell, J. H. Walker, Watts, Williamson.

Those who voted in the negative, were Messrs. Braswell, Burgess, Cansler, Chambers, Clarke, Cotten, Davis, Deberry, Dodson, Dunn, Fitzrandolph, Frink, Gee, Gorrell, Granberry, L. A. Gwyn, Hammond, J. Harrison, N. Harrison, Harper, Henry, Hester, Hill, Hooker, Hope, W. Horton, Howerton, Hutchison, Irion, Jacocks, Jones, Kelly, I. W. Lane, Lee, Lindsay, Lyon, Matthews, Moore, Moye, McPherson, McRae, A. Perkins, Pippin, Powell, Riddick, Roebuck, Rush, Sanders, Siler, Sloan, Smallwood, Giles Smith, Speller, Swanner, Taylor, Tomlinson, Tuton, Walton, Watson, West, Witcher, Wooten.

Mr. Hall moved to strike out the words "twenty-first," and insert "twenty-third;" the question thereon was decided in the negative, and the said resolution was adopted.

Mr. Waddell, from the select committee to whom was referred the bill for dividing the county of Rowan, reported the same with an amendment; Mr. Taylor moved that said bill be postponed indefinitely; and the question thereon was decided in the affirmative—Yeas 66, Nays 51.

Those who voted in the affirmative were, Messrs. Borland, Brown, Bryan, Burgess, Byrum, Clark, Coor, Collins, Crump, Davenport, Davis, Deberry, Eaton, Fitzrandolph, Foreman, Frink, Gary, Gee, Graham, Granbury, Hall, Hammond, J. Harrison, Harper, Hawkins, Henry, Hill, Hooker, Hoskins, Howerton, Hutchison, JACOBS, Judkins, Kenan, King, I. W. Lane, Lyon, Moore, Moyer, Muse, McPherson, M'Rae, A. Perkins, Pippin, Powell, Rayner, Riddick, Roebuck, Sanders, Sloan, Smallwood, Giles Smith, Speller, Stallings, Swindell, Taylor, Thompson, Tomlinson, Tuton, J. R. Walker, Walton, Watson, West, Williamson, Wooten.

Those who voted in the negative were, Messrs. Bedford, E. S. Bell, Benton, Braswell, Brummell, Buie, Byrd, Barnhardt, Cansler, Carson, Clement, Clingman, Cotten, Dodson, Dudley, Dunn, Fleming, Gorrell, J. W. Guinn, L. A. Gwyn, Harris, N. Harrison, Hester, Hoke, Hope, J. Horton, W. Horton, Hybart, Irion, Jervis, Jones, Kelly, W. B. Lane, Lindsay, Manly, Mathews, J. A. D. McNeill, J. H. Perkins, Pickett, Poindexter, Rogers, Rush, Siler, Geo. Smith, J. L. Smith, Stockard, Thomas, Waddell, J. H. Walker, Watts, Witcher.

The bill to establish the Bank of Albemarle, in Elizabeth City, was read the second time and rejected—Yeas 55, Nays 60. The yeas and nays called for by Mr. Jones,

Those who voted in the affirmative were, Messrs. Baker, T. Bell, E. S. Bell, Borland, Brummell, Bryan, Buie, Burgess, Barnhardt, Cansler, Clarke, Clingman, Collins, Davenport, Davis, Dudley, Erwin, Frink, Gee, Granberry, Guthrie, Hall, J. Harrison, Hill, Hope, Hoskins, Howard, Hybart, JACOBS, Jordan, Kelley, Kenan, King, W. B. Lane, Lee, Lilly, Loudermilk, Manly, Mathews, Moore, Muse, J. A. D. McNeill, D. McNeill, McPherson, M'Rae, J. H. Perkins, A. Perkins, Poindexter, Rayner, Rush, Sanders, Smallwood, Swindell, Walton, West.

Those who voted in the negative were, Messrs. Bedford, Benton, Braswell, Byrd, Byrum, Carson, Clement, Cotten, Crump, Deberry, Dodson, Dunn, Fitzrandolph, Foreman, Fleming, Gary, Gorrell, Graham, J. W. Guinn, L. A. Gwyn, Harris, N. Harrison, Harper, Hawkins, Hester, Hoke, Hooker, J. Horton, W. Horton, Howerton, Hutchison, Irion, Jones, Judkins, I. W. Lane, Lindsay, Lyon, Moyer, Pickett, Pippin, Powell, Riddick, Rogers, Siler, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Thomas, Tomlinson, Waddell, J. R. Walker, J. H. Walker, Watts, Williamson, Wooten.

The engrossed bill to provide for the payment of the instalments on the shares reserved to the State in the capital stock of the Bank of the State of North Carolina, was read the second time; Mr. Waddell moved to amend the bill by adding the following: "provided however, that the trustees of the University of North Carolina, and the president and directors of the Literary Fund, may be allowed to take and pay for two thousand shares of said stock for the use of said corporations; in the proportion of 1500 shares for the University, and 500 for the Literary Fund;" the question on the adoption of this amendment, was decided in the negative, and the bill passed its second reading—Yeas 80, Nays 38. The yeas and nays demanded by Mr. Poindexter,

Those who voted in the affirmative, were, Messrs. Baker, Bedford, T. Bell, E. S. Bell, Benton, Borland, Bryan, Buie, Byrd, Barnhardt, Cansler, Carson, Chambers, Clement, Clingman, Coor, Crump, Deberry, Dodson, Dudley, Dunn, Eaton, Erwin, Frink, Gary, Gee, Graham, J. W. Guinn, Guthrie, Hammond,

Harris, J. Harrison, N. Harrison, Hawkins, Henry, Hester, Hill, Hoke, Hope, W. Horton, Howerton, Hutchison, Hybart, Jacobs, Jervis, Jones, Jordan, Judkins, Kenan, King, I. W. Lane, W. B. Lane, Lee, Lilly, Lindsay, Loudermilk, Manly, D. McNeill, M'Rae, J. H. Perkins, A. Perkins, Pickett, Pippin, Powell, Roebuck, Rogers, Rush, Sanders, George Smith, J. L. Smith, Speller, Stallings, Stockard, Swindell, Thomas, Waddell, J. H. Walker, Walton, West, Williamson.

Those who voted in the negative, were, Messrs. Braswell, Burgess, Byrum, Clark, Collins, Davenport, Davis, Fitzrandolph, Foreman, Fleming, Gorrell, Granberry, L. A. Gwyn, Harper, Hooker, J. Horton, Hoskins, Howard, Irion, Kelly, Lyon, Mathews, Moore, Moye, Muse, J. A. D. McNeill, M'Pherson, Poindexter, Rayner, Riddick, Siler, Giles Smith, Swanner, Taylor, Tomlinson, Watts, Witcher, Wooten.

Mr. Waddell presented a petition from sundry citizens of Orange county, praying a division of said county, which was on Mr. Waddell's motion referred to a select committee, consisting of Messrs. Dunn, Eaton, Erwin, Henry and Irion.

A message from the Senate proposing that the two Houses ballot on tomorrow for a judge of the superior courts of law and equity, and informing that William J. Alexander is nominated for the appointment; the proposition was agreed to.

Mr. Rayner from the committee on claims, reported a resolution in favor of James C. Turrentine; which was read the first time and passed.

The resolution authorizing an exchange of Cherokee bonds, was read, and on motion of Mr. Siler laid on the table.

The bill concerning the prosecution and trial of accessories in certain cases, was on motion of Mr. Graham referred to the committee on the Judiciary.

The bill to abolish the office of county trustee in the several counties in the State, was on motion of Mr. Dudley, postponed indefinitely.

The bill to provide for the payment of tales jurors in certain cases; the resolution in favor of William T. Bain; the resolution in favor of Zachariah Candler; the resolution in favor of James G. Stockard; the resolution in favor of Mark H. Hill; the resolution in favor of John Cooper of Rutherford county; the resolution in favor of Matthew Miller; the bill for the relief of sick and disabled American Seamen; the bill to provide for the temporary appointment of Registers in certain cases; the bill fixing the punishment for the crime of bigamy; and the bill to amend an act passed in the year 1784, so far as it respects the listing of taxable property; were each read the second time and passed.

The engrossed bill to provide for the payment of the instalments on the shares reserved to the State in the capital stock of the Bank of the State of North Carolina; and the engrossed resolution in favor of Leonard Buckannon; were each read the third time, passed and ordered to be enrolled.

The resolution in favor of John B. Jasper, was read the second time and rejected.

The resolution in favor of James Thompson of Iredell county; the resolution relating to the Wilmington Marine Hospital Association; and the bill authorizing the Governor to issue a grant to James Truitt, for a tract of land in the county of Macon; were each read the third time, passed and ordered to be engrossed.

The House then adjourned, until to-morrow morning 10 o'clock.

WEDNESDAY, DECEMBER 16, 1835.

Mr. Graham from the committee on education, reported unfavorably on the bill regulating the price of vacant lands, not exceeding 640 acres, and moved that the same be postponed indefinitely; the question thereon was decided in the affirmative—Yeas 76, Nays 22. The yeas and nays demanded by Mr. Hall,

Those who voted in the affirmative were, Messrs. Benton, Bond, Borland, Braswell, Brown, Brummell, Byrd, Byrum, Cansler, Chambers, Clarke, Clement, Clingman, Coor, Cotten, Crump, Davenport, Davis, Deberry, Dodson, Dunn, Eaton, Erwin, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gee, Gorrell, Graham, Guthrie, Hammond, Harris, Harper, Hawkins, Hester, Hill, Hoskins, Howard, Howerton, Kelly, Kenan, King, W. B. Lane, Lee, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Moye, J. A. D. McNeill, McRae, J. H. Perkins, A. Perkins, Pippin, Poindexter, Powell, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Smallwood, George Smith, Giles Smith, Stallings, Stockard, Swanner, Taylor, Thompson, Tomlinson, Wooten.

Those who voted in the negative were, Messrs. Baker, Bedford, E. S. Bell, Bryan, Burgess, Barnhardt, J. W. Guinn, Hall, N, Harrison, Hoke, W. Horton, Hunt, Hutchison, Jervis, Lilly, Neal, Pickett, J. L. Smith, Speller, Swindell, West, Witcher.

Mr. Graham from the committee on the Judiciary, to whom the subject was referred, reported a bill to amend the several acts heretofore passed, to vest the right of electing sheriffs in the free white men of this State, and to direct the mode of their qualification when elected; which was read the first time and passed.

The speaker laid before the House a communication from the Public Treasurer, in answer to two resolutions of this House, requiring information relative to the Cherokee lands, and the bonds given for the purchase of the same; on motion of Mr. J. W. Guinn, ordered that the said communication be printed.

Mr. Rogers presented a petition from Daniel L. Barringer of Wake county, praying further indulgence for a debt due the State; which was on Mr. Roger's motion referred to the committee on claims.

Mr. Graham from the committee on the judiciary to whom the subject was referred, reported a bill declaratory of the duties of entry takers in certain cases, which was read the first time and passed.

Mr. Graham from the same committee who were instructed to inquire into the expediency of amending the revenue laws of this State, so far as regards the store tax, reported against the propriety of legislating at this time on the subject; and asked to be discharged from the further consideration thereof; the report was concurred in.

Mr. King from the select committee raised on the subject, reported a bill to regulate the times of holding the superior courts in the 4th and 5th judicial circuits; which was read the first time and passed.

Mr. Graham introduced a bill to incorporate the trustees of the Episcopal School of North Carolina; Mr. Guthrie a bill directing the number of jurors hereafter, to be drawn in the county of Chatham; and Mr. Walton a bill to amend an act passed in 1830, concerning the county court of Rowan; these bills were read the first time and passed.

Mr. Baker presented a bill for the better regulation of the county courts of Brunswick; which was read the first and second times and passed.

The engrossed bill to repeal an act, entitled an act directing the manner

in which constables shall be appointed in this State, so far as respects the counties of Hyde and Greene, was read the second and third times, and amended and passed; ordered that the concurrence of the Senate be asked in the amendment.

The resignation of Nathan T. Allen, as a justice of the peace of the county of Johnson, was presented, read and accepted.

The bill to incorporate the Lincoln Gold Mining Company; and the bill to incorporate the Craven county Rangers; were read the second and third times, passed and ordered to be engrossed.

The bill to incorporate the South Buffalo Gold Mining Company; and the bill to prevent frauds upon the revenue in the assessment of lands for taxation in Yancy county; were read the second time and passed.

The House on motion of Mr. Jacocks, proceeded to the order of the day, and resolved itself into a committee of the whole; Mr. Jacocks in the chair, and took up for consideration the bill to incorporate the Cincinnati and Charleston Rail Road Company; and after some time spent therein, the speaker resumed the chair, and the chairman reported the said bill to the House with amendments; the amendments were concurred in, and the said bill read the second time and passed; on motion of Mr. Dudley, the said bill was again read the third time and passed; ordered that the concurrence of the Senate be asked in the amendments.

Mr. M'Pherson presented (with leave) a bill relating to Patrols in Camden county; which was read the first time and passed.

The engrossed bill to incorporate the Conrad Gold Mining Company, was read the second and third times, amended and passed; ordered that the concurrence of the Senate be asked in the amendments,

The engrossed bill to emancipate and set free Caroline, alias Caroline Cooke, and her three children, named Susan Pamela Cooke, Acha Tomlinson Cooke and James Ellis Cooke, the property of Archibald Lovelace of the county of Wilkes; was read, and on motion of Mr. Taylor, postponed indefinitely—Yeas 73, Nays 52. The yeas and nays demanded by Mr. Taylor,

Those who voted in the affirmative, were, Messrs. Baker, Bedford, Bell, Bond, Braswell, Brown, Buie, Burges, Cansler, Clark, Clingman, Coor, Crump, Davenport, Davis, Deberry, Dodson, Dudley, Dunn, Eaton, Foreman, Gary, Gee, Granbury, L. A. Gwyn, Hammond, J. Harrison, Harper, Hassell, Hawkins, Henry, Hester, Hill, Howard, Howerton, Hutchison, Hybart, Irion, Jacocks, Jones, Judkins, Kelly, I. W. Lane, Lee, Lindsay, Matthews, Moore, Moyer, M'Pherson, A. Perkins, Powell, Riddick, Roebuck, Rogers, Sanders, Slade, Sloan, Smallwood, G. Smith, Speller, Stockard, Swindell, Taylor, Thomas, Thompson, Tomlinson, Tuton, J. R. Walker, Watson, Whitley, Williamson, Wooten.

Those who voted in the negative, were Messrs. Elijah S. Bell, Benton, Borland, Bryan, Byrd, Barnhardt, Carson, Chambers, Clement, Cotten, Erwin, Fitzrandolph, Fleming, Frink, Gorrell, Graham, J. W. Guinn, Guthrie, Hall, Harris, N. Harrison, Hope, J. Horton, W. Horton, Hunt, Jervis, King, W. B. Lane, Lilly, Loudermilk, J. A. D. M'Neill, D. McNeill, M'Rae, Neale, J. H. Perkins, Pickett, Pippin, Poindexter, Rayner, Rush, Siler, J. L. Smith, Giles Smith, Swanner, J. H. Walker, Walton, Watson, West, Witcher.

The bill to incorporate the Roanoke, Danville and Junction Rail Road Company, was read the second time; Mr. Dodson moved to amend the bill so as to compel the company to construct their road through Milton: the question on this amendment, was decided in the negative—Yeas 7, Nays 114. The yeas and nays demanded by Mr. Dodson,

Those who voted in the affirmative were, Messrs. Cotten, Dodson, Graham, L. A. Gwyn, Hammond, Hawkins, Irion.

Those who voted in the negative, were, Messrs. Baker, Bedford, Bell, E. S. Bell, Benton, Bond, Borland, Braswell, Brown, Brummell, Bryan, Bute, Burgess, Byrd, Byrum, Barnhardt, Cansler, Carson, Chambers, Clarke, Clingman, Crump, Davenport, Davis, Deberry, Dudley, Dunn, Eaton, Erwin, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gee, Gorrell, Granberry, J. W. Guinn, Guthrie, Hall, Harris, N. Harrison, Harper, Hassell, Henry, Hester, Hill, Hoke, Hope, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Jacobs, Jervis, Jones, Judkins, Kelly, Kenan, King, W. B. Lane, Lee, Lilly, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Moye, J. A. D. M'Neill, D. McNeill, McPherson, McRae, Neale, J. H. Perkins, Pippin, Poin-dexter, Powell, Rayner, Riddick, Roebuck, Rogers, Rush, Sanders, Smallwood, George Smith, J. L. Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Thompson, Tomlinson, Tuton, Waddell, J. R. Walker, J. H. Walker, Walton, Watson, Watts, West, Whitley, Witcher, Wooten.

The question shall the said bill pass its second reading? was decided in the affirmative.

The House then adjourned until 4 o'clock. P. M.

On motion of Mr. Graham, the House agreed to suspend for the residue of the session the 30th rule of order.

On motion of Mr. Graham the House agreed to re-consider their vote of yesterday, rejecting the bill to establish the bank of Albemarle in Elizabeth city; when on motion of Mr. M'Pherson, the said bill was made the order of the day for to-morrow.

Mr. Guthrie presented a bill relating to the duty of the sheriff of Chatham county; which was read the first time and passed.

Mr. Stockard presented the petition of Green T. Partin of Orange county, praying to be divorced; which was referred to the committee on private bills.

The bill to incorporate the Raleigh and Fayetteville Rail Road Company, was read the third time, amended on motion of Mr. Hybart, and passed.

The bill to incorporate the Milton and Salisbury Rail Road Company; was read the second time and passed.

The engrossed bill for the relief of Rachael Edwards, was read the second and third times, passed and ordered to be enrolled.

On motion, leave of absence from and after Monday next, for the residue of the session, was granted to Mr. Wooten.

The House then adjourned until to-morrow morning 10 o'clock.

THURSDAY, DECEMBER 17, 1835.

Mr. Hybart from the select committee raised on the subject, reported the bill to incorporate the Planters' and Mechanic's Bank of Fayetteville, with amendments; the amendments were read and concurred in; and the bill on motion of Mr. George Smith, was postponed until the third Monday of November next.

A message from the Senate, proposing to ballot immediately for a judge of the superior courts; the proposition was agreed to; on motion of Mr. Stallings, the name of Romulus M. Sanders, and on motion of Mr. Hammond, the name of Wright Stanley, were added to the nomination; and Messrs. Stallings and Hammond appointed a committee to conduct the balloting; a message from the Senate, informing that Messrs. Polk and Wilson, form said committee on their part.

A message from the Senate, insisting upon their amendment to the engrossed bill to amend an act, entitled an act to establish the Merchants bank of the town of Newbern; the message was read, and on motion of Mr. Manty, the House agreed to recede from their former disagreement to said amendment.

A message from the Senate, concurring in the amendments made by this House to the engrossed bill to incorporate the Cincinnati and Charleston Rail Road Company; ordered that said bill be enrolled.

A message from the Senate, concurring in the amendment made by this House to the bill to incorporate the Conrad Gold Mining Company; Ordered that said bill be enrolled.

A message from the Senate concurring in the amendment made by this House to the bill to repeal an act, entitled an act directing the manner in which constables shall be appointed in this State, as far as respects the counties of Hyde and Greene; ordered that said bill be enrolled.

A message from the Senate informing that they had passed the engrossed bill to legitimate Thomas Petit of Surry county, with an amendment; and asking the concurrence of this House; the amendment was read and concurred in.

Mr. Hawkins from the committee on military affairs, reported unfavorably on the petition of the 64th regiment relative to an alteration in the militia laws, and asked to be discharged from the further consideration of the subject; the report was concurred in.

Mr. Hall from the select committee on so much of the Governor's message as relates to the claims of this State upon the General Government; reported that the committee had not had time and opportunity to discharge satisfactorily the duty assigned them, and asked to be discharged from the further consideration of the subject; the report was concurred in.

Mr. Stallings from the committee appointed to conduct the balloting for a judge of the superior courts, reported, that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in; on motion of Mr. Hammond, the name of Wright Stanley was withdrawn from the nomination; and on motion of Mr. Irion, ordered that a message be sent to the Senate, proposing that another balloting be had immediately.

On motion of Mr. Cotten, ordered that a message be sent to the Senate, proposing that a balloting be had immediately for a Major of Cavalry attached to the 18th Brigade, and informing that William M'Call is nominated for the appointment.

A message from the Senate informing that they had rejected the engrossed bill to divorce Thomas White of Craven county, from his wife Mahala White.

Mr. Carson from the joint select committee on public buildings, reported a bill making an appropriation for carrying on and completing the Capitol of the State; which was read the first time and passed; Mr. Carson moved that said bill be now read the second time; the motion prevailed, and the question shall the said bill pass the second reading? was decided in the affirmative—Yeas 120, Nays 10. The yeas and nays demanded by Mr. Loudermilk,

Those who voted in the affirmative, were, Messrs. Baker, Bedford, Bell, Benton, Bond, Borland, Braswell, Brown, Brummell, Bryan, Buie, Buess, Byrd, Byrum, Barnhardt, Cansler, Carson, Chambers, Clark, Clingman, Coker,

Collins, Cotten, Crump, Davis, Deberry, Dodson, Dudley, Dunn, Eaton, Erwin, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gee, Gorrell, Graham, Granbury, J. W. Gwyn, L. A. Gwyn, Hall, Hammond, Harris, J. Harrison, N. Harrison, Harper, Hassell, Hawkins, Hester, Hill, Hoke, Hope, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybari, Irion, JACOBS, Jervis, Jones, Jordan, Judkins, Kenan, Kelly, King, I. W. Lane, W. B. Lane, Lee, Lindsay, Lyon, Manly, Matthews, Moore, Moye, Muse, J. A. D. McNeill, D. M' Neill, M'Pherson, M'Rae, Neale, J. H. Perkins, A. Perkins Pickett, Pippin, Poindexter, Powell, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, G. Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swindell, Taylor, Thomas, Thompson, Tomlinson, Tuton, Waddell, J. R. Walker, Walton, Watson, West, Whitley, Witcher, Wooten.

Those who voted in the negative were, Messrs. Davenport, Henry, J. Horton, W. Horton, Lilly, Loudermilk, Sloan, Smallwood, J. H. Walker, Watson.

The said bill was thereupon read the third time, passed and ordered to be engrossed.

A message from the Senate, agreeing to ballot as proposed for a major of Cavalry, and informing that Messrs. Staley and Tillet form their balloting committee; ordered that Messrs. Cotten and Gee, superintend said balloting on the part of this House.

A message from the Senate, agreeing to ballot again immediately for a judge of the superior courts, and informing that Messrs. Waugh and Marsteller form their balloting committee; ordered that Messrs. Howerton and Baker superintend said balloting on the part of this House.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz: a bill more effectually to suppress the vice of gaming in this State; a bill appointing commissioners to view and lay off a road from the Deep Gap in the Blue Ridge to Stephen Thomas' in the county of Ashe, and for other purposes; a bill to revise and amend an act passed in 1831, entitled an act to incorporate the 'Tarboro' and Hamilton Rail Road Company; a bill to encourage the destruction of Wolves in the county of Buncombe; a bill to alter the name of Amy Boyd, and to legitimate her; and a resolution directing John Gilbraith, to deliver the public arms in his possession to the commandant of the 17th regiment, and asking the concurrence of this House; the said bills were read the first time and passed, and the said resolution read and adopted, and ordered to be enrolled.

The engrossed bill to revise and amend an act passed in 1831, entitled an act to incorporate the 'Tarboro' and Hamilton Rail Road Company; was on motion, read the second and third times, passed and ordered to be enrolled.

Mr. Baker from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one had received a majority of the whole number of votes; the report was concurred in; on motion of Mr. Moye, ordered that a message be sent to the Senate, proposing that another balloting be had immediately for this officer; a message from the Senate, concurring in this proposition, and informing that Messrs. Hogan and Kerr, form on their part the balloting committee; ordered that Messrs. Hill and Hoskins, superintend said balloting on behalf of the Commons.

On motion of Mr. Gary,

Resolved, That the committee on Military affairs be instructed to inquire into the expediency of prohibiting by law, free persons of color from keeping or using fire-arms.

Mr. Guthrie from the committee on private bills, reported a bill to divorce Greene T. Partin of Orange county; which was read the first time and passed.

Mr. L. A. Gwyn from the joint select committee raised on that subject, reported a resolution providing a residence for the Governor of the State, and appropriating 450 dollars for that purpose; which was read the first time and passed.

Mr. Witcher introduced a bill to give further time for paying in entry money; Mr. Hybart a resolution authorizing the sale of the dredging machine; and Mr. Graham a resolution for the payment of certain contingent expenses of the House of Commons. The said bill and resolutions were read the first time and passed.

The bill to amend an act to incorporate the town of Stantonsburg in the county of Edgecombe, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties of Gates, Chowan and Mecklenburg, and for other purposes, was read the second and third times, amended, and passed. Ordered that the concurrence of the Senate be asked in the amendments.

The bill amendatory of an act relating to the town of Lawrenceville in Montgomery county; the bill to amend an act passed in the year 1824, entitled an act to establish a poor and work house in the counties of Jones and Randolph; the bill authorizing the making a turnpike road in Haywood county; and incorporating a company for that purpose; the bill to alter the name of James Atlas Marks, and to legitimate him; the bill to prevent the felling of timber in or otherwise obstructing the run of Turnbull Creek in Bladen county; the bill to incorporate the Conrad Gold mining company; the bill to repeal an act passed in the year 1829, entitled an act concerning the first regiment of militia of Stokes county; and the bill to amend an act passed in the year 1816, entitled an act to establish an Academy at Williamston, in the county of Martin, were severally read the second time and passed.

The resignation of E. W. Nicholas, as lieutenant colonel of the 1st regiment of North Carolina volunteers; and of John G. Hightower, as major in the 1st regiment of Buncombe militia, were presented, read and accepted.

The House, on motion of Mr. McPherson, proceeded to the order of the day, and took up the bill to establish the Bank of Albermarle in Elizabeth city. Mr. Smallwood moved to amend the bill by increasing the capital stock to six hundred thousand dollars. The motion prevailed; and the question, shall the said bill pass its second reading? was decided in the affirmative—Yeas 64, Nays 55. The yeas and nays demanded by Mr. Jeffreys,

Those who voted in the affirmative, were, Messrs. Baker, T. Bell, E. S. Bell, Bond, Borland, Brummell, Bryan, Buie, Burgess, Byrd, Barnhardt, Clark, Clingman, Coor, Collins, Davenport, Dudley, Erwin, Fleming, Frink, Granberry, J. W. Guinn, Guthrie, Hall, J. Harrison, Hill, Hope, W. Horton, Hoskins, Howard, Hunt, Hutchison, Hybart, Jacocks, Jervis, Jordan, Kelly, Kenan, King, W. B. Lane, Loudermilk, Manly, Mathews, Moore, Muse, J. A. D. McNeill, D. M'Neill, McPherson, M' Rae, Neale, J. H. Perkins, A. Perkins, Poindexter, Rayner, Rush, Sanders, Siler, Smallwood, Geo. Smith, Swindell, Thompson, Waddell, Walton, West.

Those who voted in the negative were, Messrs. Bedford, Benton, Braswell, Byrum, Cansler, Chambers, Cotten, Crump, Davis, Deberry, Dodson, Dunn, Eaton, Fitzrandolph, Foreman, Gary, Gee, Gorrell, L. A. Gwyn, Hammond, Harris, N. Harrison, Harper, Hawkins, Henry, Hester, J. Horton, Howerton, Irion, Jeffreys, Jones, I. W. Lane, Lee, Lindsay, Lyon, Moye, Picket, Pippin, Powell, Rogers, Slade, Sloan, J. L. Smith, Giles Smith, Speller, Stockard, Swanner, Thomas, Tomlinson, Tuton, Watson, Whitley, Williamson, Witcher, Wooten.

Mr. Hill, from the committee appointed to conduct the balloting for a judge of

The superior courts, reported that Romulus M. Saunders had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Cotten, from the balloting committee for a major of Cavalry attached to the 18th brigade, reported that William McCall had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

The House then adjourned until 4 o'clock P. M.

The bill to alter the name of Simon Davis, and to legitimate him; the bill to repeal in part, an act for the better regulation of the fair held near Laurel Hill in the county of Richmond, passed in the year 1830; the bill to amend an act passed in the year 1830, for the better regulation of the town of Williamston; and the bill to incorporate the American Gold mining company in Mecklenburg county, were each read the second time and passed.

The engrossed bill to authorize and empower David T. Sawyer to lay off a road, and for other purposes, was read the second and third times, passed, and ordered to be enrolled.

The bill compelling the justices of the peace of New Hanover county, to attend the term of the county court of said county, whenever a majority of the justices of said county are requested to be present; the bill for the better regulation of the town of Newbern; the bill to incorporate the Franklin turnpike company, and for other purposes; the bill directing the time of holding the courts of Mecklenburg; the bill for the better regulation of the county courts of Lincoln; the bill to repeal an act relative to hands working on the road in the counties of Burke and Buncombe; the bill to alter the times of holding the elections in the counties of Currituck and Camden; the bill to abolish the office of county Trustee in the county of Bladen; the bill to amend an act, entitled an act to incorporate the Mattamuskeet and Rose Bay turnpike company, passed at the last session, were each read the second and third times, passed, and ordered to be engrossed. The last named bill was, on motion of Mr. Moore, amended, by adding the following proviso, viz: "Provided, nevertheless, that nothing in this act shall be so construed, as to prevent the owners of the lands on the North and West side of said canal, from cutting a ditch or ditches into said canal sufficiently wide and deep for the draining of their lands."

The bill to incorporate the Roanoke, Danville and Junction Rail Road company, and to re enact, with certain alterations, the act to incorporate the Roanoke and Yadkin Rail Road company, passed in the year 1833, was read the third time, amended, on motion of Mr. Dodson, and Mr. Manly, and passed, and ordered to be engrossed.

On motion, leave of absence from the service of the House, for the remainder of the session, from and after Monday next, was granted to Mr. Clarke and Mr. Pippin; and from and after Saturday to Mr. Chambers.

The House then adjourned until to-morrow morning 10 o'clock.

FRIDAY, DECEMBER 18, 1835.

The bill to incorporate the Milton and Salisbury Rail Road company, was read the third time, passed, and ordered to be engrossed.

The bill, making it the duty of the Governor to convey to the justices of Haywood county court, certain lands therein described, was read the second time. Mr. JACOBS moved that said bill be postponed indefinitely. The question thereon was decided in the negative; and the bill passed its second reading.

Mr. Graham, from the committee on the judiciary, to whom the petition of sundry citizens of Buncombe county, in relation to the jurisdiction of the county courts of said county was referred, reported against the expediency of legislating as prayed for; and asked to be discharged from the further consideration thereof. The report was concurred in.

Ms. Graham, from the same committee, reported the bill concerning the prosecution and trial of accessories in certain cases, with an amendment. The bill was thereupon read the second time, amended, and passed.

Mr. Hybart presented a report from the president and directors of the Cape Fear, Pedee and Yadkin Rail Road company; which was read, and, on motion of Mr. Hybart, ordered to be sent to the Senate.

Mr. L. A. Gwyn presented a resolution directing the employment of additional engrossing clerks, which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Guthrie, from the committee on private bills, reported a bill to divorce Henry Y. Gillespie of the county of Burke; which was read the first time and passed.

Mr. J. W. Guinn, from the committee on propositions and grievances, to whom was referred the petitions of Silas Barnes of Wayne county to be restored to credit, and of Mary Anderson of Haywood county to be divorced, reported unfavorably thereon; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Pippin presented a bill to incorporate Coneta Academy in Edgecombe county; which, by unanimous consent of the House, was read the first, second, and third times, passed, and ordered to be engrossed.

The bill to incorporate the South Buffalo Gold mining company; the bill for the better regulation of the county courts of Brunswick; the bill to alter and amend an act, entitled an act appointing commissioners to lay off a road from Morganton in Burke county, by Barnsville and Barnett's station, to the Tennessee line; the bill to alter the name of Haywood Waterer, and to legitimate him; the bill to amend the militia laws, as respects the county of Mecklenburg; the bill to prevent frauds upon the revenue in the assessment of lands for taxation in Yancy county; and the bill to amend an act passed in the year 1824, entitled an act to establish a poor and work house in the counties of Jones and Randolph, were each read the third time, passed, and ordered to be engrossed.

The bill to construct a central rail road from the port of Beaufort to the Tennessee line, was, on motion of Mr. Smallwood, postponed indefinitely.

The bill concerning the patrol in Edgecombe county, was read the second and third times, amended, passed, and ordered to be engrossed.

Mr. Waddell, from the select committee, heretofore raised on the petition of John Brown, agent of the heirs and devisees of William Cathcart, reported unfavorably to the prayer thereof; and asked to be discharged from the further consideration of the subject.

On motion of Mr. Sanders,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of two members on the part of each House, to ascertain the amount of business before the Legislature; and that they be instructed to report on to-morrow, whether the Houses of the General Assembly will be able to adjourn *sine die* on the 21st of this month, it being the day agreed upon by both Houses for an adjournment.

The bill amendatory of an act relating to the town of Lawrenceville in Montgomery county, was read the third time, passed, and ordered to be engrossed.

The resignation of James Leathers, as a justice of the peace of the county of Orange, was presented, read and accepted.

The bill authorizing the making a turnpike road in Haywood county, and incorporating a company for that purpose, was read the third time, passed, and ordered to be engrossed.

Mr. Jaccoks presented a bill to amend the patrol laws, and the several acts relative to the trading with negro slaves; which was read the first time and passed.

The bill to establish the Bank of Albemarle in Elizabeth City, was read the third time and amended; and the question shall the said bill pass the third read-

ing? was determined in the negative—Yeas 58, Nays 67. The yeas and nays demanded by Mr. Jeffreys,

Those who voted in the affirmative were, Messrs. Baker, Bell, E. S. Bell, Bond, Borland, Brummell, Bryan, Buie, Burgess, Byrd, Barnhardt, Clark, Clingman, Collins, Davenport, Erwin, Foreman, Fleming, Frink, Granberry, J. W. Guinn, J. Harrison, Hill, Hope, Hoskins, Howard, Hunt, Hybart, Jacocks, Jordan, Kelly, Kenan, King, W. B. Lane, Loudermilk, Manly, Matthews, Moore, Muse, J. A. D. McNeill, D. McNeill, M'Pherson, M'Rae, Neale, J. H. Perkins, A. Perkins, Poindexter, Rayner, Sanders, Siler, Smallwood, J. L. Smith, Swindell, Waddell, J. H. Walker, Walton, Watson, West.

Those who voted in the negative were, Messrs. Bedford, Benton, Braswell, Brown, Byrum, Cansler, Carson, Clement, Cotten, Crump, Davis, Deberry, Dodson, Dudley, Dunn, Eaton, Fitzrandolph, Gary, Gee, Gorrell, Graham, Guthrie, L. A. Gwyn, Hall, Hammond, Harris, N. Harrison, Harper, Hawkins, Henry, Hester, Hoke, Hoker, J. Horton, Howerton, Hutchison, Irion, Jeffreys, Jervis, Jones, Judkins, I. W. Lane, Lee, Lilly, Lindsay, Lyon, Muse, Pipin, Powell, Riddick, Rogers, Rush, Slade, Sloan, George Smith, Speller, Stallings, Stockard, Taylor, Thomas, Tomlinson, Watson, Whitley, Williamson, Witcher, Wooten.

The engrossed bill providing compensation to the Sheriffs of the several counties of this State for making the returns of the votes given in at the late election, for adoption or rejection of the proposed amendments to the constitution, was read the second and third times; and on motion of Mr Poindexter amended, and passed; ordered that the concurrence of the Senate be asked in the amendment; on the passing of said bill its third reading, Mr. Stallings called for the Yeas and Nays—yeas 80, nays 38:

Those who voted in the affirmative, were, Messrs. Elijah S. Bell, Borland, Braswell, Brown, Brummell, Bryan, Buie, Byrd, Barnhardt, Clark, Crump, Davenport, Dodson, Dudley, Eaton, Fitzrandolph, Foreman, Fleming, Gary, Gorrell, Graham, Granbury, Guthrie, L. A. Gwyn, Hall, Hammond, Harris, N. Harrison, Harper, Henry, Hester, Hoke, Hooker, Hope, Hoskins, Howerton, Hunt, Jacocks, Jeffreys, Jordan, Judkins, Kelly, Kenan, King, I. W. Lane, W. B. Lane, Lee, Lilly, Lindsay, Lyon, Manly, Matthews, Moore, Møye, Muse, D. McNeill, J. A. D. McNeill, M'Pherson, M'Rae, Neale, J. H. Perkins, Pickett, Pippin, Poindexter, Rayner, Rogers, Rush, Sanders, Siler, Slade, Smallwood, G. Smith, Speller, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, Walton, Watts.

Those who voted in the negative, were Messrs. Bedford, Benton, Burgess, Byrum, Cansler, Carson, Clingman, Cotten, Davis, Dunn, Frink, Gee, J. W. Guinn, J. Harrison, Hawkins, Hill, J. Horton, Hutchison, Hybart, Irion, Jervis, Jones, Loudermilk, A. Perkins, Powell, Riddick, J. L. Smith, Giles Smith, Stallings, Stockard, Swanner, J. H. Walker, Watson, West, Whitley, Williamson, Witcher, Wooten.

The resolutions directing an exchange of the supreme court reports, were read the second and third times, passed and ordered to be engrossed.

The bill to authorize the laying out and establishing a turnpike road from the South Carolina line, at some point near the Block House in Rutherford county, to Cain Creek Bridge in Buncombe county; the bill to amend an act passed in 1820, chapter 1071, entitled an act for repairing and improving the road leading from the place known by the name of the Old Fort in Burke county, over the Swannanoa Gap, to Ashvill in Buncombe county, and thence to the point of intersection with the road leading through Haywood county to the southern boundary line of this State; and the bill to amend in part an act passed in the year 1834, entitled an act concerning a public road leading from Columbia in Tyrell county to Plymouth; were each read the second time and passed.

The engrossed bill more effectually to suppress the vice of gaming in this State, was read, and on motion of Mr. Manly, laid on the table.

Received from the Senate, a message informing that they had passed the engrossed bill to incorporate the Raleigh and Gaston Rail Road Company, with the following amendments, viz: 1. in the 7th line of the 12th section after the word "house" insert the words kitchen, yard or garden;" 2. in the 25th section strike out all after the word "estate" in the 11th line; 3. in the 41st section, strike out all after the word "obstructed" in the 8th line; 4. in the 42d section, 2d line, after the word "crossed," insert the words "or approached by any other rail road incorporated by this State;" 5. add an amendment, being the last section of the bill; and asking the concurrence of this House; the amendments were read, and the first, fourth and fifth concurred in; and the second and third amendments disagreed to, and the Senate so informed.

The House then adjourned until 4 o'clock P. M.

The bill to prevent fire hunting in the night time in Hyde county; the bill to amend an act passed in, 1829, chapter 57, entitled an act to authorize the court of pleas and quarter sessions of Burke county, to appoint commissioners to view and lay off a turnpike road from the Lincoln line to Jacob Mull's mills, passing through the Laurel Gap of the South Mountain, and for other purposes; and the bill to alter the name of, and to legitimate William W Eason of the county of Edgecombe, were each read the second and third times, passed, and ordered to be engrossed.

The engrossed resolution in favor of Zachariah Candler, was read the third time, passed and ordered to be enrolled.

The bill to repeal an act, entitled an act concerning the town of Ashville in Buncombe county; and the bill to establish Hookerton Academy in the county of Greene, and to incorporate the trustees thereof; were each read the second and third times, passed and ordered to be engrossed.

Mr. Frink moved that the House do now reconsider their vote of yesterday, postponing until the 3d Monday of November next, "the bill to establish the Planter's and Mechanic's bank of Fayetteville;" the question will the House so re-consider? was determined in the negative—Yeas 41, Nays 74. The yeas and nays demanded by Mr. Jordan,

Those who voted in the affirmative, were, Messrs. Baker, E. S. Bell, Bond, Brummell, Bryan, Buie, Barnhardt, Chambers, Clark, Coor, Frink, Granberry, Guthrie, Henry, Hester, Hoke, J. Horton, Hoskins, Hutchison, Hybart, Irion, Jacobs, Jervis, Jones, Jordan, Judkins, Kenan, King, Muse, J. A. D. McNeill, D. McNeill, McPherson, Smallwood, J. L. Smith, Stockard, Swindell, J. H. Walker, Watson, West, Williamson, Witcher.

Those who voted in the negative were, Messrs. Bedford, Benton, Borland, Braswell, Brown, Burgess, Byrd, Byrum, Cansler, Car-on, Clingman, Cotten, Crump, Davenport, Davis, Dodson, Dudley, Dunn, Eaton, Erwin, Fitzrandolph, Foreman, Fleming, Gary, Gee, Gorrell, Graham, J. W. Guinn, L. A. Gwyn, Hammond, Harris, J. Harrison, N Harrison, Harper, Hawkins, Hill, Hope, Howard, Hunt, Kelly, I. W. Lane, W. B. Lane, Lee, Lindsay, Loudermilk, Lyon, Manly, Mathews, Moore, Moye, Neale, J. H. Perkins, A. Perkins, Pippin, Poindexter, Powell, Rayner, Riddick, Roebuck, Rogers, Rush, Sanders, Sloan, Geo. Smith, Giles Smith, Speller, Stallings, Swanner, Taylor, Thompson, Tomlinson, Watts, Whitley, Wooten.

Mr. Gorrell from the committee on internal improvement, to whom was referred the bill to amend the act, entitled an act to incorporate the Roanoke and Raleigh Rail Road Company, passed at the last session, reported the same without amendment, and moved that said bill be laid on the table; which motion prevailed.

The bill to amend an act passed at the last session, entitled an act to establish the town of Leachville in Beaufort county, and to appoint commissioners thereof;

and the bill to divorce Esther E. Nelson; were each read the second and third times, passed and ordered to be engrossed.

Mr. Hawkins from the committee on military affairs who were instructed to inquire into the expediency of prohibiting by law, free persons of color from keeping or using fire-arms, reported against the expediency of legislating in the way proposed; and asked to be discharged from the further consideration of the subject; the report was concurred in.

The bill to alter the name of James Atlas Marks, and to legitimate him; was read the third time, passed and ordered to be engrossed.

The engrossed bill to divorce Elizabeth M. Starnes of Macon county; and the engrossed bill to divorce Margaret P. Spear, from her husband Alexander Spear, were each read the second and third times, passed and ordered to be enrolled.

The bill to repeal an act passed in the year 1829, entitled an act concerning the first regiment of militia of Stokes county, and for other purposes; and the bill to divorce Thomas Roberts; were read the second and third times, passed and ordered to be engrossed.

The bill to prevent the felling of timber in, or otherwise obstructing the run of Turnbull creek in Bladen county; the bill to incorporate the American Gold Mining Company; and the bill to alter the name of Simon Davis, and to legitimate him; were each read the third time, passed and ordered to be engrossed.

The bill relating to the duty of the Sheriff of Chatham county; and the bill to incorporate the trustees of the Episcopal School of North Carolina; were each read the second and third times, passed and ordered to be engrossed.

The bill to divorce William M. Powell of Halifax county, was read, and on motion of Mr. Graham, postponed indefinitely; the bill relating to Patrols in Camden county; was read the second and third times, passed and ordered to be engrossed.

The bill to divorce Greene T. Partin of Orange county; was read the second time and rejected.

Mr. McPherson presented the following resolutions, viz;

Resolved, That North Carolina alone, has the right to legislate over the slaves in her territory, and any attempt to change their condition, whether made by Congress, the Legislature or the people of other States will be regarded as an invasion of our just rights.

Resolved, That we are ready and willing to make a common cause with the rest of our sister slave-holding States, and hereby invite their co-operation in passing such laws and regulations as may be necessary to suppress and prevent the circulation of any incendiary publications within any of the slave-holding States.

Resolved, That the thanks of this State, are due, and the kindest feelings of the citizens thereof, are cherished towards their brethren of the North, who have magnanimously sustained the principles of our Federal Government, and recognized and maintained our rights against the fanatics of those States.

Resolved, That our sister non-slave-holding States, are respectfully requested to enact penal laws prohibiting the printing within their respective limits, all such publications as may have a tendency to make our slaves discontented with their present condition, or incite them to insurrection.

Resolved, That although by the constitution all legislative power over the District of Columbia, is vested in the Congress of the United States; yet we should deprecate any legislative action on the part of that body towards liberating the slaves of that District as a breach of faith towards those States by whom the territory was originally ceded; and will regard such interference as the first step towards a general emancipation of the slaves of the South.

Resolved, That we confidently rely upon the Congress of the United States, in passing such laws as may be necessary to prevent the circulation of inflammatory publications through the Post Office Department.

Resolved, That His Excellency the Governor of this State, be requested to transmit copies of these resolutions to each of our Senators and Representatives in Congress, and to the Executive of each of the States, with a request that they will be laid before their respective Legislatures.

The foregoing resolutions were read, and, on motion of Mr. McPherson, made the order of the day for to-morrow.

On motion, leave of absence from the service of the House, from and after Monday next, for the residue of the session, was granted to Mr. Moore.

Mr. Collins moved that the House adjourn 'till to-morrow morning 10 o'clock; and called for the yeas and nays. The question thereupon was decided in the affirmative—Yeas 63, Nays 53.

Those who voted in the affirmative were, Messrs. Baker, E. S. Bell, Benton, Bond, Borland, Brummell, Byrd, Carson, Chambers, Clement, Clingman, Coor, Collins, Dudley, Eaton, Erwin, Fleming, Gary, Gee, Gorrell, Graham, Granbury, J. W. Gunn, Guthrie, Hall, Harris, N. Harrison, Hawkins, Hester, Hoke, J. Horton, Howard, Hunt, Hybart, Jacobs, Jervis, Jordan, Judkins, Kelly, Kenan, King, W. B. Lane, Loudermilk, Lyon, Manly, Matthews, J. A. D. McNeill, D. McNeill, McRae, J. H. Perkins, Picket, Pippin, Poindexter, Rayner, Rogers, Rush, Siler, J. L. Smith, Thompson, J. H. Walker, Watson, Watts, Williamson.

Those who voted in the negative, were, Messrs. Bedford, Braswell, Brown, Bryan, Burgess, Byrum, Barnhardt, Cansler, Clarke, Crump, Davis, Deberry, Dunn, Fitzrandolph, Foreman, Frink, L. A. Gwyn, Hammond, J. Harrison, Harper, Henry, Hill, Hope, Hoskins, Howerton, Hutchison, Jones, I. W. Lane, Lee, Lindsay, Moore, Moye, Muse, McPherson, Neale, A. Perkins, Powell, Roebuck, Sanders, Sloan, Smallwood, George Smith, Speller, Stallings, Stockard, Swindell, Taylor, Thomas, Tomlinson, Tuton, Whitley, Witcher, Wooten.

SATURDAY, DECEMBER 19, 1835.

Mr. Manly presented a bill concerning the probate of Wills made out of the State, and registration of deeds and powers of Attorney executed in foreign countries; which, by unanimous consent of the House, was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Graham, from the committee on the judiciary, reported unfavorably on the resolution relating to widows' dowers; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Graham, from the same committee, who were instructed to enquire into the expediency of amending the penal laws relative to exciting a spirit of insurrection among slaves, reported against further legislation on the subject; and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Dunn, from the select committee on the petition from Orange relative to a division of said county, reported unfavorably thereon; and asked to be discharged from the further consideration of the subject.

The question, will the House discharge the committee as prayed for? was decided in the affirmative—Yeas 101, Nays 10. The yeas and nays demanded by Mr. Stockard,

Those who voted in the affirmative, were, Messrs. Baker, Bedford, T. Bell, Benton, Bond, Borland, Braswell, Brown, Brummell, Bryan, Buie, Byrd, Byrum, Barnhardt, Cansler, Carson, Clingman, Clark, Crump, Davenport, Davis, Deberry, Dodson, Dudley, Dunn, Erwin, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gee, Gorrell, Graham, Granbury, Guthrie, L. A. Gwyn, Hammond, Harris, J. Harrison, N. Harrison, Harper, Hassell, Hawkins, Henry, Hoke, Hooker, Hope, Hoskins, Howard, Howerton, Hunt, Irion, Jacobs, Judkins, Kelly, Kenan, I. W. Lane, W. B. Lane, Lindsay, Loudermilk, Lyon, Matthews, Moore, Moye, J. A. D. McNeill, M'Pherson, M'Rae, Neale, J. H. Perkins, A. Perkins, Pickett, Pippin, Powell, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Slade, Sloan, J. L. Smith, Giles Smith, Speller, Stallings, Swanner, Swindell, Taylor, Thomas, Thompason, Tomlinson, Waddell, J. H. Walker, Walker, Watson, Watts, West, Whitley, Williamson, Witcher.

Those who voted in the negative were, Messrs. Clement, Cotten, J. W. Guinn, Hester, Hill, Jones, Jordan, D. M' Neill, Geo. Smith, Stockard.

The bill to emancipate Lucy Ann, Emmeline and Priscilla, of Cumberland county, was read the second and third times, passed, and ordered to be engrossed.

The bill to emancipate Delia; and the bill to amend in part, an act passed in the year 1834, entitled an act concerning a public road leading from Columbia in Tyrrell county, to Plymouth, were each read the second and third times, passed, and ordered to be engrossed.

The bill to authorize the laying out and establishing a turnpike road from the South Carolina line at some point near the block house in Rutherford county, to Cain Creek bridge in Buncombe county, was read the third time, passed, and ordered to be engrossed.

Mr. Graham presented the following resolution:

Resolved, That the principal Clerks be authorized to employ assistant engrossing clerks at such prices as they may agree on with the persons employed.

The said resolution was read the first, second, and third times, passed, and ordered to be engrossed.

The resolution in favor of Matthew Miller; the resolution in favor of John Cooper of Rutherford county; the resolution in favor of Mark H. Hill; and the resolution providing a residence for the Governor, and appropriating \$450 for that purpose, were each read the third time, passed, and ordered to be engrossed.

The bill directing the number of jurors hereafter to be drawn in the county of Chatham; the bill to amend an act passed in 1830, concerning the county court of Rowan; the bill for the relief of sick and disabled American seamen; and the bill to give further time for paying in entry money, were each read the second and third times, passed, and ordered to be engrossed.

The bill to divorce Henry T. Gillespie of the county of Burke, was read the second time and rejected.

The resolution in favor of James G. Stockard, was read the third time, passed, and ordered to be engrossed.

The resolution relating to the sale of the Cherokee lands, was read the second and third times. Mr. Jacocks presented the following amendment thereto, viz: "That the said commissioner shall enquire into and report to the Governor the quantity of said lands remaining unsurveyed, as near as he can conveniently ascertain, without the employment of a surveyor, of sufficient value to authorize a further survey and sale, if any; and any other information relative to said lands, and the bonds already given therefor, which he may deem of sufficient importance to be communicated to the General Assembly, or which may be required of him by the Governor or Treasurer of this State." The proposed amendment was rejected, and the resolution passed and ordered to be engrossed.

The bill to alter in part, the dividing line between the counties of Surry and Rowan, was read the third time, passed, and ordered to be engrossed.

The bill to declare and amend the law respecting public jails in certain cases; the bill to amend an act passed in the year 1784, so far as it respects the listing of taxable property; the bill declaratory of the duties of entry takers in certain cases; the resolution directing a sale of the dredging machine; the resolution for contingent expenses; and the resolution in favor

of James C. Turrentine, were each read the second and third times, passed, and ordered to be engrossed.

Mr. Graham, from the committee on the judiciary, to whom the subject was referred, reported a bill to prevent the wilful and wanton killing of horses, mules and cattle; which was read the first time and passed.

The bill to provide for the payment of tales jurors in certain cases; and the bill amendatory of the act on bastardy, were each read and postponed indefinitely.

The bill making it the duty of the Governor to convey to the justices of Haywood county court, certain lands therein described; and the bill to amend an act entitled an act to provide for the punishment of accessories to felonies in certain cases, passed in 1797, were read the third time, passed, and ordered to be engrossed.

The resignations of Mozes W. Alexander, as lieutenant colonel of the 68th regiment; of Dempsey Winstead, as lieutenant colonel of the 22d regiment; of John D. Salmons, as lieutenant colonel of the 66th; of B. F. Pearson, as major of the 53d regiment of militia; and of Hardy Morgan, as a justice of the peace of Montgomery county, were presented, read and accepted.

On motion, leave of absence for the residue of the session, was granted to Messrs. Hammond, Hoke, Hope, Sanders, Thompson and Smallwood, after Monday next; to Mr. Jordan after Sunday; and Mr. Speller after to-day.

The bill to regulate the times of holding the superior courts in the 4th and sixth circuits, was read; and, on motion of Mr. Gorrell, postponed indefinitely—Yeas 54, Nays 52. The yeas and nays called for by Mr. Jones.

Those who voted in the affirmative were, Messrs. T. Bell, E. S. Bell, Benton, Bund, Braswell, Brown, Burgess, Byrum, Barnhardt, Clingman, Cotten, Davis, Dodson, Fleming, Gee, Gorrell, Guthrie, L. A. Gwyn, Hammond, Harris, Harper, Hawkins, Hester, Hill, Howerton, Hunt, Hutchison, Irion, Kelly, I. W. Lane, W. B. Lane, Lee, Lindsay, Lyon, Moye, J. A. D. McNeill, McRae, A. Perkins, Powell, Riddick, Roebuck, Rush, Sanders, Sloan, Stockard, Swindell, Taylor, Tomlinson, Tuton, Watson, West, Whitley, Witcher, Wooten.

Those who voted in the negative were, Messrs. Bedford, Borland, Brummell, Buie, Byrd, Cansler, Carson, Clarke, Clement, Dudley, Dunn, Eaton, Fitzrandolph, Frink, Graham, Granbury, J. W. Guinn, Hall, N. Harrison, Hassell, Hoke, Hope, J. Horton, W. Horton, Hoskins, Irion, Jacobs, Jervis, Judkins, King, Loudermilk, Manly, Matthews, Moore, Muse, D. McNeill, McPherson, Neat, J. H. Perkins, Pickett, Pippin, Poindexter, Rayner, Siler, Slade, George Smith, J. L. Smith, Thomas, Waddell, J. H. Walker, Walton, Watts.

The bill to amend the patrol laws, and the several acts relative to the trading with slaves, was read, and, on motion of Mr. Thomas Bell, postponed indefinitely.

Mr. Rogers presented a resolution in favor of the commissioners for building Wake county court house; which was read the first time and passed.

Mr. Jervis introduced a bill, directing the entry taker of Yancy county to issue warrants in certain cases; which was read the first, second and third times, passed, and ordered to be engrossed.

The bill granting further time for revising and digesting the public statute laws, was read the second and third times, passed, and ordered to be engrossed.

The bill to amend the several acts heretofore passed, to vest the right of electing the Sheriffs in the free white men of this State, and to direct the mode of their qualification when elected, was read the second and third times, passed, and ordered to be engrossed.

Mr. Picket, with leave, presented a bill to divorce Malinda Lynum, founded on a petition from certain citizens of Yancy county. The said bill was read the first time and passed. On motion, the said bill was read the second time and rejected.

The House then adjourned until 4 o'clock P. M.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, and asking the concurrence of this House therein, viz: A bill to provide for the election of members of the General Assembly of this State, when vacancies shall occur by death, resignation or otherwise, before the meeting of the General Assembly; a bill prescribing the time and places for comparing the polls in the different Senatorial districts therein named; a bill to abolish the offices of county trustee and treasurer of public buildings in the counties therein named; a resolution directing the public Treasurer to pay the clerk of the Senate, for certain acts and journals of the General Assembly, procured for the use of the Senate; a resolution in favor of the widow of the late William Gilliam deceased; and a resolution in favor of Richard Ashton. The said bills were read the first time and passed.

A message from the Senate, informing that they had adopted resolutions in aid of the navigation of Core Sound; and asking the concurrence of this House. The said resolutions were read and adopted, and ordered to be enrolled.

Mr. McRae, from the select committee raised upon the subject of certain military land warrants issued in 1823, made a report thereon; which, on motion of Mr. Graham, was laid on the table.

Mr. Clark moved that the House do now take up, for consideration, a message from the Senate, transmitting certain preamble and resolutions on the subject of incendiary publications, which had not been officially announced to the House. The question, will the House now proceed to consider said message? was decided in the affirmative—Yeas 82, Nays 8.

Those who voted in the affirmative were, Messrs. Bedford, Benton, Borland, Brown, Brummell, Bryan, Buie, Burgess, Barnhardt, Cansler, Carson, Clark, Clingman, Coor, Collins, Crump, Dunn, Fitzrandolph, Fleming, Frink, Gary, Gee, Gorrell, Graham, Granbury, J. W. Guinn, N. Harrison, Harper, Hassell, Henry, Hill, Hoke, Hooker, Hope, J. Horton, Hoskins, Howard, Irion, Jacobs, Jeffreys, Jervis, Judkins, Kelly, Kenan, King, W. B. Lane, Lee, Loudermilk, Lyon, Manly, Mathews, Moore, Moye, Muse, J. A. D. McNeill, D. McNeill, M'Pherson, M'Rae, Neal, J. H. Perkins, A. Perkins, Pippin, Poindexter, Powell, Rayner, Roebuck, Slade, Smallwood, George Smith, J. L. Smith, Stallings, Stockard, Swindell, Taylor, Thomas, Tomlinson, Tuton, J. H. Walker, Walton, Watts, Whitley, Witcher.

Those who voted in the negative, were, Messrs. Braswell, Byrum, L. A. Gwyn, Hutchison, Hybart, Jones, Rogers, Rush.

The said resolutions and preamble were accordingly read; and, on motion of Mr. Clarke, the question taken on each separately.

The question, will the House adopt the first resolution? was decided in the affirmative—Yeas 117.

The votes were, Messrs. Bedford, T. Bell, E. S. Bell, Benton, Borland, Braswell, Brown,

Brummell, Bryan, Buie, Burgess, Byrd, Byrum, Barnhardt, Cansler, Carson, Clarke, Clement, Clingman, Coor, Collins, Crump, Davenport, Davis, Deberry, Dodson, Dudley, Dunn, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gee, Gorrell, Graham, Granberry, J. W. Guinn, L. A. Gwyn, Hall, Harris, J. Harrison, N. Harrison, Harper, Hassell, Hawkins, Henry, Hill, Hoke, Hooker, Hope, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Irion, Jacocks, Jeffreys, Jervis, Jones, Judkins, Kelly, Kenan, King, I. W. Lane, W. B. Lane, Lee, Loudermilk, Lyon, Manly, Matthews, Moyer, Muse, J. A. D. McNeill, D. McNeill, McPherson, McRae, Neal, J. H. Perkins, A. Perkins, Poindexter, Powell, Rayner, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Slade, Sloan, Smallwood, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, J. H. Walker, Walton, Watts, West, Whitley, Williamson, Witcher, Wooten.

The question on the adoption of the second resolution, was determined in the affirmative—Yeas 118, Nays 1.

Those who voted in the affirmative, were Messrs. Bedford, T. Bell, E. S. Bell, Benton, Borland, Braswell, Brown, Brummell, Bryan, Buie, Burgess, Byrum, Barnhardt, Cansler, Carson, Clark, Clement, Clingman, Coor, Collins, Crump, Davenport, Davis, Deberry, Dodson, Dudley, Dunn, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gee, Gorrell, Graham, Granberry, J. W. Guinn, L. A. Gwyn, Hall, Harris, J. Harrison, N. Harrison, Harper, Hassell, Hawkins, Henry, Hill, Hoke, Hooker, Hope, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Irion, Jacocks, Jeffreys, Jervis, Jones, Judkins, Kelly, Kenan, King, I. W. Lane, W. B. Lane, Lee, Lilly, Lindsay, Loudermilk, Lyon, Manly, Moyer, Muse, J. A. D. McNeill, D. McNeill, McPherson, McRae, Neale, J. H. Perkins, A. Perkins, Pippin, Poindexter, Powell, Rayner, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Slade, Sloan, Smallwood, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, J. H. Walker, Walton, Watts, West, Whitley, Williamson, Witcher, Wooten.

Mr Byrd voted in the negative.

The question on the adoption of the third resolution, was decided in the affirmative—Yeas 116.

Those who voted were. Messrs. Bedford, Tho. Bell, E. S. Bell, Benton, Borland, Braswell, Brown, Brummell, Bryan, Buie, Burgess, Byrd, Byrum, Barnhardt, Cansler, Carson, Clarke, Clement, Clingman, Coor, Collins, Crump, Davenport, Deberry, Dodson, Dudley, Dunn, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gorrell, Graham, Granbury, J. W. Guin, L. A. Gwyn, Hall, Haris, J. Harison, N. Harison, Harper, Hasell, Hawkins, Henry, Hill, Hoke, Hooker, Hope, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Irion, Jacocks, Jeffreys, Jervis, Jones, Judkins, Kelly, Kenan, King, I. W. Lane, W. B. Lane, Lee, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Moyer, Muse, J. A. D. McNeill, D. McNeill, McPherson, McRae, Neal, J. H. Perkins, A. Perkins, Pippin, Poindexter, Powell, Rayner, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Slade, Sloan, Smallwood, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, J. H. Walker, Walton, Watts, Whitley, Williamson, Witcher, Wooten.

The question on the adoption of the fourth resolution, was decided in the affirmative—Yeas 112, Nays 7.

Those who voted in the affirmative were. Messrs. Redford, Thomas Bell, E. S. Bell, Benton, Borland, Brown, Brummell, Bryan, Buie, Burgess, Byrd, Byrum, Barnhardt, Cansler, Carson, Clarke, Clement, Clngman, Coor, Cotten, Crump, Davenport, Davis, Deberry, Dodson, Dudley, Dunn, Fitzrandolphi, Foreman, Fleming, Frink, Gary, Gee, Gorrell, Graham, Granbury, Hall, Harris, J. Harrison, N. Harrison, Harper, Hassell, Hawkins, Henry, Hill, Hoke, Hooker, Hope, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Irion, Jacocks, Jeffreys, Jervis, Jones, Judkins, Kelly, Kenan, King, I. W. Lane, W. B. Lane, Lee, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Moyer, Muse, J. A. D. McNeill, D. McNeill, McPherson, McRae, Neal, J. H. Perkins, A. Perkins, Powell, Raney, Riddick, Roebuck, Rogers, Sanders, Siler, Slade, Sloan, Smallwood, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Tuton, Waddell, J. H. Walker, Walton, Watts, Whitley, Williamson, Wooten, Pippin, Poindexter.

Those who voted in the negative were, Messrs. Braswell, J. W. Guinn, L. A. Gwyn, Hutchison, Hybart, Rush, Witcher.

The question on the adoption of the fifth resolution, was decided in the affirmative—Yeas 119.

Those who voted were, Messrs. Bedford, T. Bell, E. S. Bell, Benton, Borland, Braswell, Brown, Brumell, Bryan, Buie, Burgess, Byrd, Byrum, Barnhardt, Cansler, Carson, Clark, Clement, Clingman, Coor, Collins, Crump, Davenport, Davis, Deberry, Dodson, Dudley, Dunn, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gee, Gorrell, Graham, Granbury, J. W. Guinn, L. A. Gwyn, Hall, Harris, J. Harrison, N. Harrison, Harper, Hassell, Hawkins, Henry, Hill, Hoke, Hooker, Hope, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Irion, Jacocks, Jeffreys, Jervis, Jones, Judkins, Kelly, Kenan, King, I. W. Lane, W. B. Lane, Lee, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Moye, Muse, J. A. D. McNeill, D. McNeill, McPherson, M'Rae, Neale, J. H. Perkins, A. Perkins, Pickett, Pippin, Poindexter, Powell, Rayner, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Slade, Smallwood, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, J. H. Walker, Walton, Watts, Whitley, Williamson, Witcher, Wooten.

The question on the adoption of the sixth resolution, was decided in the affirmative—Yeas 105, Nays 11.

Those who voted in the affirmative, were, Messrs. Bedford, Tho. Bell, Benton, Borland, Braswell, Brown, Brummell, Bryan, Buie, Burgess, Byrd, Byrum, Barnhardt, Cansler, Carson, Clement, Clingman, Coor, Collins, Cotten, Davis, Deberry, Dodson, Dudley, Dunn, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gee, Gorrell, L. A. Gwyn, Harris, J. Harrison, Harper, Hassell, Hawkins, Henry, Hill, Hooker, Hope, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, Kelly, Kenan, King, I. W. Lane, W. B. Lane, Lee, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Moye, J. A. D. McNeill, D. McNeill, McPherson, M'Rae, Neale, J. H. Perkins, A. Perkins, Pickett, Pippin, Poindexter, Powell, Riddick, Roebuck, Rogers, Rush, Siler, Slade, Smallwood, Geo. Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, J. H. Walker, Watts, Whitley, Williamson, Witcher, Wooten, Walton.

Those who voted in the negative, were Messrs. Clark, Crump, Davenport, Graham, Granbury, Hall, Hoke, Jacocks, Muse, Sanders, Waddell.

The question on the adoption of the seventh resolution, was decided in the affirmative—Yeas 118.

Those who voted were, Messrs. Bedford, T. Bell, E. S. Bell, Benton, Borland, Braswell, Brown, Brummell, Bryan, Buie, Burgess, Byrd, Byrum, Barnhardt, Cansler, Carson, Clarke, Clement, Clingman, Coor, Collins, Cotten, Crump, Davenport, Davis, Deberry, Dodson, Dudley, Dunn, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gorrell, Graham, Granbury, J. W. Guinn, L. A. Gwyn, Hall, Harris, J. Harrison, Harper, Hassell, Hawkins, Henry, Hill, Hoke, Hope, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Irion, Jacocks, Jeffreys, Jervis, Jones, Judkins, Kelly, Kenan, King, I. W. Lane, W. B. Lane, Lee, Lindsay, Loudermilk, Lyon, Manly, Matthews, Moore, Moye, Muse, J. A. D. McNeill, D. McNeill, McPherson, McRae, Neal, J. H. Perkins, A. Perkins, Pickett, Pippin, Poindexter, Powell, Rayner, Riddick, Roebuck, Rogers, Rush, Sanders, Siler, Slade, Sloan, Smallwood, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, J. H. Walker, Walton, Watts, Whitley, Williamson, Witcher, Wooten.

The question on the adoption of the preamble to the said resolutions, was decided in the affirmative—Yeas 117, Nays 6.

Those who voted in the affirmative, were, Messrs. Bedford, Bell, Benton, Borland, Brown, Brummell, Bryan, Buie, Burgess, Byrum, Barnhardt, Cansler, Carson, Clark, Clement, Clingman, Coor, Collins, Crump, Davenport, Da-

vis, Dodson, Dudley, Dunn, Fitzrandolph, Foreman, Fleming, Frink, Gary, Gee, Gorrell, Graham, Granberry, J. W. Guinn, Hall, Harris, J. Harrison, Harper, Hassell, Hawkins, Henry, Hill, Hoke, Hope, J. Horton, W. Horton, Hoskins, Howerton, Irion, Jacocks, Jeffreys, Jervis, Jones, Judkins, Kelly, Kenan, King, I. W. Lane, W. B. Lane, Lee, Lindsay, Loudermilk, Lyon, Manly, Mathews, Moore, Moye, Muse, J. A. D. McNeill, D. McNeill, McPherson, McRae, Neale, J. H. Perkins, A. Perkins, Pickett, Pippin, Poindexter, Powell, Rayner, Riddick, Roebuck, Rogers, Siler, Sloan, Smallwood, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swanner, Swindell, Taylor, Thomas, Tomlinson, Tuton, Waddell, J. R. Walker, J. H. Walker, Walton, Watson, Watts, Whitley, Williamson, Wooten.

Those who voted in the negative were, Messrs. Braswell, L. A. Gwyn, Hutchison, Hybart, Rush, Witcher.

Ordered that said preamble and resolutions be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Roanoke, Danville and Junction Rail Road company, with amendments; and asking the concurrence of this House therein. The amendments were read and concurred in, and the Senate so informed.

Mr. Rayner, from the committee on claims, to whom the subject was referred, reported a resolution in favor of Daniel M. Barringer; which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Collins called up, for consideration, the engrossed bill more effectually to suppress the vice of gaming in this State. The said bill was read, and, on motion of Mr. Dudley, postponed indefinitely—Yeas 71, Nays 31.

Those who voted in the affirmative were, Messrs. Bedford, Bell, Bond, Borland, Braswell, Brown, Bryan, Buie, Burgess, Byrd, Barnhardt, Cansler, Clarke, Clingman, Cotton, Dodson, Dudley, Dunn, Foreman, Fleming, Gee, Granbury, J. W. Guinn, L. A. Gwyn, Hall, Harris, J. Harrison, Hawkins, Henry, Hill, Hoke, Hope, J. Horton, Howard, Hybart, Irion, Jacocks, Jeffreys, Jervis, Jones, Judkins, Kelly, Kenan, King, I. W. Lane, Lee, Lyon, Mathews, Moye, Muse, J. A. D. McNeill, McRae, Neal, J. H. Perkins, A. Perkins, Pickett, Poindexter, Powell, Rayner, Roebuck, Siler, Slade, J. L. Smith, Giles Smith, Speller, Stallings, Taylor, Thomas, Tuton, Williamson, Witcher.

Those who voted in the negative, were, Messrs. Benton, Byrum, Clement, Coor, Collins, Crump, Davis, Fitzrandolph, Foreman, Gary, Gorrell, Harper, Hoskins, Howerton, W. B. Lane, Loudermilk, Moore, D. McNeill, Pippin, Rogers, Rush, Smallwood, George Smith, Stockard, Swindell, Tomlinson, Walton, Watson, Watts, Whitley, Wooten.

Mr. ——— moved to adjourn until to-morrow morning 10 o'clock. The question thereon was decided in the negative—Yeas 46, Nays 59.

Those who voted in the affirmative were, Messrs. Tho. Bell, Benton, Bond, Brummell, Bryan, Buie, Byrd, Clement, Clingman, Fleming, Frink, Gary, Gee, Graham, J. W. Guinn, Hall, Hawkins, Hope, Howerton, Hutchison, Jervis, Judkins, Kelly, Kenan, King, W. B. Lane, Loudermilk, Manly, Matthews, J. A. D. McNeill, D. McNeill, McRae, J. H. Perkins, Pickett, Pippin, Poindexter, Rayner, Rogers, Slade, J. L. Smith, Stockard, Swindell, Thomas, Walton, Watson, Williamson.

Those who voted in the negative were, Messrs. Bedford, Borland, Braswell, Brown, Burgess, Byrum, Barnhardt, Cansler, Carson, Clarke, Coor, Collins, Cotten, Crump, Davis, Dodson, Dudley, Dunn, Fitzrandolph, Foreman, Gorrell, Granbury, L. A. Gwyn, Harris, J. Harrison, N. Harrison, Harper, Henry, Hill, J. Horton, Hoskins, Howard, Hybart, Irion, Jacocks, Jeffreys, Jones, I. W. Lane, Lee, Moore, Moye, Muse, Neal, A. Perkins, Powell, Roebuck, Rush, Siler, Smallwood, George Smith, Giles Smith, Stallings, Taylor, Tomlinson, Tuton, Watts, Whitley, Witcher, Wooten.

A message from the Senate, informing that they had passed the engrossed bill to alter the name of Haywood Waterer, and to legitimate him, with

an amendment; and asking the concurrence of this House. The amendments was read and concurred in.

A message from the Senate, insisting on their amendments, No. 2 and 3, to the engrossed bill to incorporate the Raleigh and Gaston Rail Road company. On motion of Mr. Graham, the House determined to insist on their disagreement to said amendments; and on his motion, it was ordered that a message be sent to the Senate, proposing a committee of conference on the disagreeing votes of the two Houses.

A message from the Senate concurring in the amendments made by the House of Commons to the engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties of Gates, Chowan, and Mecklenburg. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill concerning the patrol in the counties therein named, with an amendment; and asking the concurrence of this House. The amendments were read and concurred in.

A message from the Senate, informing that they had rejected the engrossed resolution in favor of James Thompson of Iredell county.

A message from the Senate, informing that they do not concur in the amendment made by the House of Commons to the engrossed bill providing compensation to the Sheriffs of the several counties, for making the returns of the votes given at the late election for adoption or rejection of the proposed amendments to the Constitution. Whereupon, on motion of Mr. Graham, the House determined to insist on their said amendment.

A message from the Senate, informing that they had passed the engrossed bill to prevent frauds on the revenue in the assessment of lands for taxation in Yancy county, with an amendment; and asking the concurrence of this House. The amendment was read and agreed to.

A message from the Senate, informing that they had passed the engrossed bill to alter the time of holding the elections in the counties of Currituck and Camden, with an amendment; and asking the concurrence of this House. The amendment was read and concurred in.

On motion, leave of absence for the residue of the session, from and after Monday next, was granted to Messrs. Davenport, Dodson, Tho. Bell and Swanner.

The House then adjourned until Monday morning 10 o'clock.

MONDAY, DECEMBER 21, 1835.

A message was received from the Senate, informing that they had passed the engrossed bill to suppress more effectually, the vice of gaming in this State, with an amendment; and asking the concurrence of this House. The amendment was read and agreed to.

A message from the Senate, agreeing to raise a committee of conference on the disagreeing votes of the two Houses on the bill to incorporate the Raleigh and Gaston Rail Road company; and informing that Messrs. Hogan, Wyche and Joyner, form their branch of said committee. Ordered that Messrs. Graham, Clingman and Rogers, compose said committee on the part of the House.

A message from the Senate, informing that they had rejected the following engrossed bills, viz: A bill to emancipate Delia; the bill to amend in part, an act passed in the year 1834, entitled an act concerning a public

road leading from Columbia in Tyrrell county to Plymouth; and the bill to divorce Tempe Hall.

The engrossed bill to alter the names of Hardy Lewis and Brittain Lewis, of the county of Moore, and to legitimate them; the engrossed bill making compensation to tales jurors in Randolph county; the engrossed bill to alter the name of Quintain Robertson of the county of Gates, and to legitimate him; the engrossed bill to alter the name of Amey Boyd, and to legitimate her; and the engrossed resolution directing the public Treasurer to pay the clerk of the Senate, for certain acts and journals of the General Assembly, procured for the use of the Senate, were each read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to authorize the trustees of William's church in the county of Martin, and their successors in office, to hold and possess one acre of land on which the said church is situated; and the engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties therein named, were each read the second and third times, amended, and passed. Ordered that the concurrence of the Senate be asked to the amendments made to the said bills.

The engrossed bill regulating the times of holding one of the terms of the courts of pleas and quarter sessions for the county of Macon, was read the second and third times, passed, and ordered to be enrolled.

On motion, Mr. Hybart obtained leave to withdraw from the files of the House, the papers accompanying the petition of John Murchison of Fayetteville; and Mr. Pickett leave to withdraw the papers in Malinda Lyman's petition.

The engrossed bill to incorporate Campbell's Creek Gold Mining company; the engrossed bill to incorporate the Long Creek Gold Mining company in the county of Mecklenburg; the engrossed bill appointing commissioners to view and lay off a road from the deep gap in the Blue Ridge, to Stephen Thomas' in the county of Ashe, and for other purposes; the engrossed bill to encourage the destruction of wolves in the county of Buncombe; the engrossed bill to secure to the trustees of the Baptist church in the town of Charlotte, and their successors in office, the right to hold and possess the lot on which their house of worship is situated; and the engrossed bill to repeal an act, entitled an act to make compensation to the jurors of the superior courts of Haywood county; and the engrossed bill to amend an act passed in 1820, chapter 1071, entitled an act for repairing and improving the road from the old Fort in Burke county to Ashville in Buncombe county, and thence to the point of intersection with the road leading through Haywood county to the Southern boundary line of this State, were severally read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to amend an act passed in the year 1830, for the better regulation of the town of Williamston; the engrossed bill to amend an act passed in the year 1816, entitled an act to establish an Academy at Williamston, in the county of Martin; the bill to authorize Hardin Franklin of the county of Surry, to erect a dam across Fisher's river; the bill authorizing and requiring the captains or commanding officers of militia, attached to the 30th, 31st, and 68th regiments of the militia, to muster their respective companies once in three months; the engrossed bill to incorporate the county guard in Rockingham; the engrossed bill to incorporate

the Conrad Gold Mining company; the engrossed bill to provide for the temporary appointment of Registers in certain cases; and the engrossed bill to repeal in part an act for the better regulation of the Fair held near Laurel Hill in the county of Richmond, passed in the year 1830, were each read the third time, passed, and ordered to be enrolled.

Mr. King presented a petition of sundry citizens of Lincoln and Iredell counties, in relation to laying out a road from Statesville to Lincolnton; which was laid on the table.

A message was received from the Senate, informing that they had passed the engrossed bill to alter in part, the dividing line between the counties of Surry and Rowan, with an amendment; and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that they had reconsidered and passed the engrossed bill to emancipate Delia, with an amendment; and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill to prevent obstructions in the navigation of the waters of Carteret county, and to appoint commissioners of navigation in said county; which was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had reconsidered and passed the engrossed bill to divorce Tempe Hall.

Mr. Graham presented a bill supplemental to an act passed at the present session of the General Assembly, entitled an act to amend an act passed in the year 1833, incorporating the Roanoke and Raleigh Rail Road company; which was read the first, second, and third times, passed, and ordered to be engrossed.

The engrossed bill fixing the punishment for the crime of bigamy, was read the third time, and, on motion of Mr. Loudermilk, postponed indefinitely.

The engrossed bill concerning the courts of pleas and quarter sessions in the several counties of this State, was read the second time. Mr. Tho. Bell moved that said bill be postponed till the first day of January next; which motion prevailed.

The engrossed resolution in favor of William T. Bain, was read the third time, passed, and ordered to be enrolled.

On motion, Mr. King obtained leave to withdraw from the files of the House, the petitions from certain citizens of Iredell county, in relation to felling timber in Fifth Creek; the bill to prevent the wilful and wanton killing of horses, mules, and cattle, was read the second time; and, on motion of Mr. Byrd, postponed indefinitely.

The resolution in favor of the commissioners for building Wake county court house, was read the second time and laid on the table.

Mr. Waddell presented a bill to emancipate John, Fanny, and Henry, children of Miles Howard; which was read the first time and passed. On motion, the said bill was again read and rejected.

Mr. Graham, from the committee of conference, on the disagreeing votes of the two Houses, on the bill to incorporate the Raleigh and Gaston Rail Road Company, reported that the committee recommend to the Senate, to recede from their amendment marked B., and add the amendment marked

D., after the word "whatever" at the end of the 25th section; and that they recommend to the House of Commons, to recede from their disagreement to the amendment of the Senate marked C. The report of the committee was concurred in. The House receded from their disagreement as proposed, and the Senate so informed.

A message from the Senate, informing that they concur in the report of the committee of conference, on the disagreeing votes of the two Houses, on the engrossed bill to incorporate the Raleigh and Gaston Raid Road company; and that they recede from their amendment marked B.

The engrossed resolution in favor of Richard Ashton, was read the second time. Mr. Guthrie moved to strike out the word "fifty," in said resolution, and insert "one hundred." The question thereon was determined in the negative—Yeas 40, Nays 69,

Those who voted in the affirmative were, Messrs. Baker, E. S. Bell, Benton, Brummell, Bryan, Clingman, Collins, Dudley, Dunn, Eaton, Erwin, Foreman, Fleming, Gorrell, Graham, Granberry, Guthrie, Hill, Hoskins, Howard, Hunt, Jacocks, Kelly, Kenan, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Manly, Matthews, Muse, McPherson, McRae, Neal, Poindexter, Rogers, Waddell, Walton, West.

Those who voted in the negative were, Messrs. Bedford, Borland, Braswell, Brown, Buie, Burgess, Byrd, Byrum, Barnhardt, Cassler, Carson, Clement, Coor, Cotten, Crump, Davenport, Davis, Fitzrandolph, Frink, Gary, Gee, J. W. Guinn, L. A. Gwyn, J. Harrison, N. Harrison, Harper, Hassell, Hawkins, Hester, Hoke, Hope, J. Horton, W. Horton, Howerton, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, I. W. Lane, Lee, Lyon, McNeill, Perkins, Pickett, Powell, Rayner, Riddick, Roebuck, Rush, Siler, Slade, George Smith, J. L. Smith, Giles Smith, Speller, Stallings, Stockard, Swindell, Taylor, Thomas, Tomlinson, Watson, Watts, Whitley, Williamson, Witcher.

The question on the passage of the second reading, was decided in the affirmative—Yeas 78, Nays 26.

Those who voted in the affirmative, were Messrs. Baker, E. S. Bell, Benton, Borland, Brummell, Bryan, Buie, Burgess, Byrd, Barnhardt, Cassler, Carson, Clement, Clingman, Collins, Cotten, Crump, Davis, Dudley, Erwin, Foreman, Fleming, Frink, Gary, Gee, Gorrell, Graham, Granbury, J. W. Guinn, L. A. Gwyn, Harris, J. Harrison, N. Harrison, Harper, Hawkins, Hester, Hill, Hoke, Hope, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Jacocks, Jervis, Judkins, Kelly, Kenan, King, I. W. Lane, W. B. Lane, Lindsay, Lyon, Manly, Muse, M'Pherson, M'Rae, Neale, A. Perkins, Poindexter, Powell, Rayner, Rogers, Rush, Siler, George Smith, J. L. Smith, Swindell, Thomas, Waddell, Walton, West, Williamson, Witcher.

Those who voted in the negative, were, Messrs. Bedford, Braswell, Brown, Byrum, Coor, Davenport, Dunn, Fitzrandolph, Guthrie, Irion, Jones, Lee, Loudermilk, D. McNeill, Pickett, Riddick, Roebuck, Giles Smith, Stallings, Stockard, Taylor, Tomlinson, Watson, Watts, Whitley, Jeffreys.

The said resolution was read the third time, passed, and ordered to be enrolled.

Mr. Graham introduced a bill to regulate the mode of passing private acts of the General Assembly; which was read the first, second, and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed resolution in favor of the widow of James Grant; and asking the concurrence of this House. The said resolution was read the first, second and third times, passed, and ordered to be enrolled.

The engrossed bill to provide for the election of members of the General Assembly of this State, when vacancies shall occur by death, resignation, or otherwise, before the meeting of the General Assembly; the engrossed bill prescribing the time and places for comparing the polls in the different Senatorial districts therein named; and the engrossed resolution in favor of the widow of the late William Gilliam deceased, were severally read the second and third times, passed, and ordered to be enrolled.

On motion, leave of absence for the residue of the session, from and after this day, was granted to Messrs. Lee, Deberry, Hall, Walton, Granbury, Moye, Carson, A. Perkins and M'Pherson; and from and after to-morrow, to Messrs. Burgess and J. Harrison.

The House then adjourned until 5 o'clock P. M.

Mr. Hybart presented a bill to exempt free persons of color from the payment of poll tax: which was read the first time and passed. The said bill was, on motion of Mr. Hybart, read the second time; and, on motion of Mr. Taylor, postponed indefinitely.

On motion, Mr. Loudermilk obtained leave to withdraw from the files of the House, the petition and papers accompanying, of James Thompson.

A message from the Senate, concurring in the amendments made by this House, to the engrossed bill to abolish the offices of county trustee and treasurer of public buildings in the counties therein named. Ordered that said bill be enrolled.

A message from the Senate, agreeing to the amendment made by this House to the engrossed bill to authorize the trustees of William's church, in the county of Martin, and their successors in office, to hold and possess one acre of land on which the said church is situated. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill allowing further time for revising and digesting the public statute laws of the State, with amendments, viz: "To strike out the second and third sections of the bill." On motion, the said amendments were disagreed to.

A message from the Senate, agreeing to the amendments made by the House of Commons, to the engrossed bill authorizing the captains of militia attached to the 30th, 31st, and 68th regiments, to muster their respective companies once in three months. Ordered that said bill be enrolled.

A message from the Senate receding from their disagreement to the amendment made by this House, to the engrossed bill providing compensation to the several Sheriffs for making returns of the votes given in at the late election for adoption or rejection of the proposed amendments to the Constitution. Ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the following engrossed bill and resolutions, viz: A bill relating to the cavalry of Macon county; a resolution authorizing the public Treasurer to borrow money on behalf of the State, if the same should be necessary; and a resolution in favor of the door-keepers; and asking the concurrence of this House. The said bill and resolutions were each read the first, second, and third times and passed. On the passage of the resolution in favor of the door-keepers, on the third reading, Mr. Jeffreys called for the yeas and nays; and the vote was Yeas 79, Nays 10.

Those who voted in the affirmative were, Messrs. Baker, Bedford, Benton, Porland, Braswell, Bryan, Buie, Byrd, Byrum, Barnhardt, Cansler, Clingman, Collins, Cotten, Davenport, Davis, Dunn, Eaton, Erwin, Fitzrandolph, Foreman, Frink, Goryell, Graham, J. W. Guinn, L. A. Gwyn, Harris, Harper, Hassell, Hawkins, Henry, Hestr, Hill, Hoke, J. Horton, W. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Irwin, Jacobs, Jervis, Jones, Judkins, Kelly, Kenan, King, W. B. Lane, Lilly, Loudermilk, Lyon, Manly, Muse, J. A. D. McNeill, D. McNeill, McPherson, Neal, J. H. Perkins, Poindexter, Powell, Rayner, Roebuck, Rush, Siler, Sloan, George Smith, J. L. Smith, Giles Smith, Stallings, Stockard, Thomas, Waddell, J. H. Walker, Watts, West, Witcher.

Those who voted in the negative were, Messrs. Brown, Jeffreys, I. W. Lane, Rogers, Swindell, Taylor, Tomlinson, Tuton, Watson, Whitley.

A message from the Senate, informing that they had passed the engrossed

bill to reduce the county Solicitor's fees in certain cases; and asking the concurrence of this House. The said bill was read the first time, and, on motion of Mr. Waddell, rejected.

Those who voted in the affirmative were, Messrs. Baker, Bedford, Benton, Buie, Barnhardt, Cansler, Clement, Clingman, Collins, Cotten, Davenport, Eaton, Erwin, Foreman, Fleming, Frink, Gary, Gee, Gorrell, Graham, J. W. Guinn, Harper, Hawkins, Henry, Hill, Hoke, Hoskins, Howard, Hunt, Hybart, Jacobs, Kelly, Kenan, King, Lilly, Lindsay, Manly, Muse, J. A. D. McNeill, Neal, J. H. Perkins, Pickett, Poindexter, Rayner, Rush, Swindell, Thomas, Waddell, Watts, Williamson.

Those who voted in the negative were, Messrs. Borland; Braswell, Brown, Byrum, Coor, Davis, Dunn, Fitzrandolph, L. A. Gwyn, Harris, Hassell, Hester, J. Horton, W. Horton, Howerton, Hutchison, Irion, Jeffreys, Jarvis, Jones, Judkins, I. W. Lane, W. B. Lane, Loudermilk, Lyon, D. McNeill, McPherson, Powell, Roebuck, Rogers, Siler, Sloan, Geo. Smith, J. L. Smith, Giles Smith, Stallings, Stockard, Taylor, Tomlinson, Tuton, Watson, Whitley, Witcher.

A message from the Senate, informing that they had passed the engrossed bill to give to widows, who may not dissent to their husband's wills, a distributive share of the residuum of their husband's personal estate, not given away in their wills: Providing that widows who may dissent from the probate of their husband's will; who may, within six months from the probate, file their petitions in the county court for one year's provision, and for other purposes; and asking the concurrence of this House. The said bill was read the first, second and third times, amended, on motion of Mr. Kelly, and passed. Ordered that the concurrence of the Senate be asked in the amendment.

A message from the Senate, informing that they had passed the engrossed bill to amend two several acts of the General Assembly, passed in 1834, to repair, alter, and amend the road leading from Holeman's Ford to the deep Gap on the Blue Ridge; and one other act to amend and alter the road leading from the ford of the Yadkin river, commonly called Cass' ford, to the Ashe county line on the Blue Ridge; and asking the concurrence of this House. The said bill was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills, viz; a bill to amend an act passed in the year 1824, entitled an act to appoint commissioners for the town of Clemons ville in Davidson; a bill to amend the revenue laws; and a bill concerning the navigation of Cypress Creek, and asking the concurrence of this House; the said bills were read the first second and third times, passed and ordered to be enrolled.

A message from the Senate, informing that they had adopted certain resolutions respecting the public domain; the resolutions were read, and Mr. Buie moved that they lie upon the table, and demanded the yeas and nays; the question on this motion was decided in the negative—Yeas 41, Nays 56.

Those who voted in the affirmative, were, Messrs. Baker, Bedford, Borland, Bryan, Buie, Barnhardt, Collins, Davenport, Eaton, Erwin, Foreman, Gary, Gee, Gorrell, N. Harrison, Hassell, Hawkins, Hill, Hope, Hoskins, Howard, Hunt, Jacobs, Kelly, W. B. Lane, Lilly, Lindsay, Loudermilk, Muse, McPherson, Neale, J. H. Perkins, Poindexter, Rayner, Rush, Siler, Stallings, Swindell, Waddell, Watson, Watts.

Those who voted in the negative, were, Messrs. T. Bell, Benton, Braswell, Brown, Byrum, Cansler, Clement, Clingman, Coor, Cotten, Davis, Dunn, Fitzrandolph, Frink, Graham, J. W. Guinn, Guthrie, L. A. Gwyn, Harris, Harper, Henry, Hester, Hoke, J. Horton, W. Horton, Howerton, Hutchison, Hybart, Irion, Jeffreys, Jarvis, Jones, Judkins, Kenan, King, I. W. Lane, Lyon, Manly, J. A. D. McNeill, D. McNeill, Pickett, Powell, Roebuck, Rogers, Sloan, George

Smith, J. L. Smith, Giles Smith, Stockard, Taylor, Thomas, Tomlinson, Tuton, Waddell, J. H. Walker, Whitley, Williamson, Witcher.

Mr. Rayner moved to postpone said resolutions until the second Monday in November next, and on this question, Mr. Hutchison called for the yeas and Nays; the question was decided in the negative—Yeas 35, Nays 63.

Those who voted in the affirmative were, Messrs. Bedford, Borland, Buie, Barnhardt, Collins, Davenport, Eaton, Erwin, Foreman, Gary, Gee, Gorrell, N. Harrison, Hawkins, Henry, Hill, Hope, Hoskins, Howard, Jacocks, Judkins, Kelly, W. B. Lane, Lindsay, Loudermilk, Muse, McPherson, J. H. Perkins, Poindexter, Rayner, Rush, Siler, Stallings, Swindell, Watts.

Those who voted in the negative were, Messrs. Baker, Thomas Bell, Benton, Braswell, Brown, Bryan, Byrum, Cansler, Clingman, Clement, Coor, Cotten, Crump, Davis, Dunn, Fitzrandolph, Frink, Graham, J. W. Guinn, Guthrie, L. A. Gwyn, Harris, Harper, Hassell, Hester, J. Horton, W. Horton, Howerton, Hunt, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Kenan, King, I. W. Lane, Lilly, Lyon, Manly, J. A. D. McNeill, D. McNeill, Neale, Pickett, Powell, Roebuck, Rogers, Sloan, George Smith, J. L. Smith, Giles Smith, Stockard, Taylor, Thomas, Tomlinson, Tuton, Waddell, J. H. Walker, Whitley, Williamson, Witcher.

Mr. Clingman moved to strike out all after the word "resolved," and insert the resolutions heretofore submitted by him, and which had been adopted by the House on the same subject. Mr. Hawkins called for a division of the question, and the question being first on striking out, was decided in the affirmative—Yeas 57, Nays 47. The yeas and nays demanded by Mr. Hutchison,

Those who voted in the affirmative, were, Messrs. Baker, Bedford, Benton, Borland, Buie, Braswell, Clement, Clingman, Coor, Collins, Crump, Davenport, Eaton, Erwin, Foreman, Gary, Gee, Gorrell, Graham, Guthrie, Harris, N. Harrison, Harper, Hassell, Hope, J. Horton, W. Horton, Hoskins, Howard, Hunt, Jacocks, Kelly, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Manly, Muse, McPherson, J. H. Perkins, Poindexter, Rayner, Rogers, Rush, Siler, George Smith, Swindell, Thomas, Waddell, Watts.

Those who voted in the negative were, Messrs. T. Bell, Braswell, Brown, Bryan, Byrum, Cansler, Cotten, Davis, Dunn, Fitzrandolph, Frink, J. W. Guinn, L. A. Gwyn, Hawkins, Henry, Hester, Hill, Howerton, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, Kenan, I. W. Lane, Lyon, J. A. D. McNeill, Neale, Pickett, Powell, Roebuck, Sloan, J. L. Smith, Giles Smith, Stallings, Stockard, Taylor, Tomlinson, Tuton, J. H. Walker, Watson, Whitley, Williamson, Witcher.

The question—will the House insert the amendments and resolutions as proposed by Mr. Clingman? was then put by the chair; the calling of the roll having been commenced, and two members having voted in the affirmative, and one in the negative; Mr. Hybart called for a further division, and that the question be taken on inserting each resolution separately; Mr. King here rose to a question of order, whether the call for a further division could now be entertained after the House had commenced voting; the Speaker decided that the previous demand of a division of the question gave any member a right to have it subdivided, and this right was not lost by the error of the chair, or an accidental omission to subdivide; and the chair believing that it was capable of further division, determined that any member had a right to require the Speaker to put the question in a different mode, and so as to divide it, from this decision; Mr. King appealed to the House, and the question "is the decision of the chair, the decision of the House?" was decided in the negative—Yeas 34, Nays 61. The yeas and nays demanded by Mr. Hutchison,

Those who voted in the affirmative, were Messrs. Braswell, Brown, Bryan, Byrum, Coor, Cotten, Davis, Dunn, Fitzrandolph, Frink, J. W. Guinn, Hester, Howerton, Hutchison

Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, I. W. Lane, Lyon, Neale, Powell, Roebuck, Giles Smith, Stallings, Taylor, Tomlinson, Tuton, Watson, Whitley, Williamson, Witcher.

Those who voted in the negative were, Messrs. Baker, Bedford, T. Bell, Benton, Borland, Buie, Barnhardt, Cassler, Clement, Clingman, Collins, Crump, Davenport, Eaton, Erwin, Foreman, Gary, Gee, Gorrell, Graham, Guthrie, Harris, N. Harrison, Harper, Hassell, Hope, J. Horton, W. Horton, Hoskins, Howard, Hunt, Jacobs, Kelly, Kenan, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Manly, Muse, J. A. D. McNeill, D. McNeill, McPherson, J. H. Perkins, Pickett, Poindexter, Rayner, Rogers, Rush, Sloan, George Smith, Stockard, Swindell, Thomas, Waddell, Watts.

The question was then taken on inserting the resolutions offered by Mr. Clingman, and decided in the affirmative—Yeas 53, Nays 43. The yeas and nays demanded by Mr. Hutchison,

Those who voted in the affirmative were, Messrs. Baker, Bedford, Benton, Borland, Buie, Barnhardt, Clement, Clingman, Collins, Crump, Davenport, Eaton, Erwin, Foreman, Gary, Gee, Gorrell, Graham, Guthrie, Harris, N. Harrison, Harper, Hassell, Hope, J. Horton, W. Horton, Hoskins, Howard, Hunt, Jacobs, Kelly, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Lyon, Manly, Muse, D. McNeill, McPherson, J. H. Perkins, Poindexter, Rayner, Rogers, Rush, Sler, George Smith, Swindell, Taylor, Thomas, Waddell, Watts.

Those who voted in the negative were, Messrs. T. Bell, Braswell, Brown, Bryan, Cassler, Cotten, Davis, Dunn, Fitzrandolph, Frink, J. W. Gunn, L. A. Gwyn, Hawkins, Henry, Hester, Hill, Howerton, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, Kenan, I. W. Lane, J. A. D. McNeill, Neal, Pickett, Powell, Roebuck, Sloan, J. L. Smith, Stallings, Stockard, Tomlinson, Tuton, J. H. Walker, Watson, Whitley, Williamson, Witcher.

Mr. Taylor moved that said resolutions be postponed indefinitely; the question thereon was decided in the affirmative—Yeas 49, Nays 47. The yeas and Nays called for by Mr. King,

Those who voted in the affirmative were, Messrs. Tho. Bell, Braswell, Brown, Bryan, Tuton, Cassler, Cotten, Davis, Dunn, Fitzrandolph, Frink, J. W. Gunn, L. A. Gwyn, Hawkins, Henry, Hester, Hill, Howerton, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, Kenan, I. W. Lane, Lyon, J. A. D. McNeill, D. McNeill, Neal, Pickett, Powell, Roebuck, Sler, Sloan, J. L. Smith, Stallings, Stockard, Swindell, Taylor, Tomlinson, Tuton, J. H. Walker, Watson, Whitley, Williamson, Witcher.

Those who voted in the negative were, Messrs. Baker, Bedford, Benton, Borland, Buie, Barnhardt, Clement, Clingman, Collins, Crump, Davenport, Eaton, Erwin, Foreman, Gary, Gee, Gorrell, Graham, Guthrie, Harris, Harper, Hassell, Hope, J. Horton, W. Horton, Hoskins, Howard, Hunt, Jacobs, Kelly, King, W. B. Lane, Lilly, Lindsay, Loudermilk, Manly, Muse, McPherson, J. H. Perkins, Poindexter, Rayner, Rogers, Rush, Geo. Smith, Thomas, Waddell, Watts.

When the motion to postpone indefinitely was made, a question arose whether such motion was now in order; the speaker decided that the motion was in order, from which decision no appeal was taken at that time.

After the motion to postpone indefinitely had been determined by the House, and the decision of the House announced, Mr. Waddell appealed to the House; the question "is the decision of the chair, the decision of the House?" was determined in the affirmative—Yeas 83, Nays 12. The yeas and nays demanded by Mr. King,

Those who voted in the affirmative were, Messrs. Bedford, T. Bell, Braswell, Brown, Byrum, Bryan, Barnhardt, Cassler, Clingman, Collins, Cotten, Crump, Davenport, Davis, Dunn, Eaton, Fitzrandolph, Frink, Gary, Gee, Gorrell, Graham, J. W. Gunn, L. A. Gwyn, Harris, N. Harrison, Harper, Hassell, Hawkins, Henry, Hester, Hill, Hope, J. Horton, Hoskins, Howard, Howerton, Hunt, Hutchison, Hybart, Irion, Jacobs, Jeffreys, Jervis, Jones, Judkins, Kenan, King, I. W. Lane, Lilly, Lindsay, Lyon, Manly, Muse, J. A. D. McNeill, D. McNeill, McPherson, Neal, J. H. Perkins, Pickett, Powell, Roebuck, Rogers, Rush, Sler, Sloan, George Smith, J. L. Smith, Stallings, Stockard, Swindell, Taylor, Thomas, Tomlinson, Tuton, J. H. Walker, Watson, Watts, Whitley, Williamson, Witcher.

Those who voted in the negative were, Messrs. Baker, Benton, Borland, Buie, Erwin, Foreman, W. Horton, W. B. Lane, Loudermilk, Poindexter, Rayner, Waddell.

Mr. Swindell moved that the House do now reconsider their vote of indefinite postponement of said resolutions; the question on this motion was decided in the affirmative—Yeas 42, Nays 40. The yeas and nays called by Mr. Guthrie,

Those who voted in the affirmative were, Messrs. Baker, Bedford, Benton, Borland, Baie, Barnhardt, Clingman, Collins, Davenport, Eaton, Erwin, Foreman, Gary, Gee, Correll, Graham, Guthrie, Harris, Harper, Hassell, J. Horton, W. Horton, Hoskins, Hunt, Jacocks, Kelly, King, W. B. Lane, Lilly, Loudermilk, Manly, Muse, McPherson, J. H. Perkins, Rayner, Rogers, Rush, Geo. Smith, Swindell, Thomas, Waddell, Watts.

Those who voted in the negative were, Messrs. Braswell, Bryan, Byrum, Cansler, Cotten, Davis, Dunn, Fitzrandolph, Frink, J. W. Guinn, L. A. Gwyn, N. Harrison, Hawkins, Henry, Hester, Hill, Howerton, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, Kenan, I. W. Lane, Lyon, D. McNeill, Neal, Pickett, Powell, J. L. Smith, Stallings, Stockard, Taylor, Tomlinson, Tuton, Watson, Whitley, Williamson.

The question now recurring on the indefinite postponement of the said resolutions; Mr. Clingman renewed the question whether it was now in order to move the indefinite postponement; the speaker decided that the motion was in order, and from this decision Mr. Clingman took an appeal to the House; and the question "is the decision of the chair, the decision of the House?" was determined in the affirmative—Yeas 55, Nays 32. The yeas and nays called by Mr. Guthrie,

Those who voted in the affirmative were, Messrs. Bedford, Braswell, Brown, Bryan, Barnhardt, Cansler, Collins, Cotten, Davis, Dunn, Fitzrandolph, Frink, J. W. Guinn, L. A. Gwyn, N. Harrison, Harper, Hawkins, Henry, Hester, Hill, Howerton, Hunt, Hutchison, Hybart, Irion, Jacocks, Jeffreys, Jervis, Jones, Judkins, Kenan, I. W. Lane, Lyon, Muse, J. A. D. McNeill, D. McNeill, McPherson, Neal, Pickett, Powell, Siler, Sloan, J. L. Smith, Stallings, Stockard, Swindell, Taylor, Thomas, Tomlinson, Tuton, Watson, Whitley, Williamson, Witcher.

Those who voted in the negative were, Messrs. Baker, Benton, Borland, Baie, Clingman, Davenport, Eaton, Erwin, Foreman, Gary, Gee, Correll, Graham, Guthrie, Harris, Hassell, J. Horton, W. Horton, Hoskins, Kelly, King, W. B. Lane, Lilly, Loudermilk, Manly, J. H. Perkins, Rayner, Rogers, Rush, George Smith, Waddell, Watts.

The question again recurring on the indefinite postponement of the resolutions; the House, on motion, adjourned until to-morrow morning at 7 o'clock.

TUESDAY, DECEMBER 22, 1835.

The House proceeded to the unfinished business in which they were engaged at the last adjournment; the question before the House, being the motion to postpone indefinitely the resolutions relating to the public domain; which motion prevailed, and the said resolutions were postponed indefinitely—Yeas 54, Nays 43.

Those who voted in the affirmative, were, Messrs. Tho. Bell, Braswell, Brown, Bryan, Byrum, Cansler, Carson, Cotten, Davis, Dunn, Fitzrandolph, Frink, J. W. Guinn, L. A. Gwyn, N. Harrison, Hawkins, Henry, Hester, Hill, Howerton, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, Kenan, I. W. Lane, Lee, Lyon, J. A. D. McNeill, D. McNeill, Neale, Pickett, Powell, Bidlick, Roebuck, Siler, Slade, Sloan, J. L. Smith, Stallings, Stockard, Swindell, Taylor, Tomlinson, Tuton, J. R. Walker, J. H. Walker, Watson, Whitley, Williamson, Witcher.

Those who voted in the negative, were Messrs. Bedford, Benton, Borland, Brummell, Baie, Byrd, Barnhardt, Clemeat, Clingman, Collins, Davenport, Eaton, Erwin, Foreman, Gary, Correll, Graham, Guthrie, Harris, Harper, Hassell, J. Horton, W. Horton, Hoskins, Hunt, Jacocks, Kelly, King, W. B. Lane, Lilly, Loudermilk, Manly, Matthews, Muse, McPherson, P. Dexter, Rayner, Rogers, Rush, Geo. Smith, Thomas, Waddell, Watts.

Mr. Gary introduced a bill to amend an act passed in the year 1833, es-

establishing a Female Academy in the county of Northampton; which was read the first second and third times, passed and ordered to be engrossed.

A message from the Senate, informing that Messrs. Dowd, Beasley and Hill, are added on their part to the committee on enrolled bills; ordered that the following members be added to said committee on the part of this House, viz: Messrs. Kenan, Jacocks, Muse, Tuton, Baie, Gorrell.

A message from the Senate, receding from their amendment to the engrossed bill granting further time for revising and digesting the public statute laws.

A message from the Senate, informing that they had passed the engrossed bill supplemental to an act passed in 1809, entitled an act directing how persons injured by the erection of public mills, shall in future proceed to recover damages; and asking the concurrence of this House; the said bill was read, and on motion of Mr. Coor indefinitely postponed.

A message from the Senate, informing that they had passed the following engrossed bills, viz: a bill to incorporate the Claremount Gold Mining Company, in the county of Mecklenburg; a bill to divorce William B. Morgan of Macon county, from his wife Polly Morgan; a bill to annex part of Wilkes county to the county of Ashe; a bill making compensation to the jurors of the county of Pasquotank; a bill giving further time to the justices of the peace for the county of Haywood, to return the lists of the taxable property of said county; and the bill to incorporate the Hope Gold Mining Company in the county of Mecklenburg; and asking the concurrence of this House therein; the said bills were read the first second and third times, passed and ordered to be enrolled.

Mr Hybart presented a resolution in favor of Thomas Bell, one of the members of this House, which was read the first, second and third times, passed and ordered to be engrossed.

A message from the Senate, concurring in the amendment made by this House to the engrossed bill for the benefit of widows in certain cases, ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act to establish a bank in the State of North Carolina, passed in the year 1833, and asking the concurrence of this House; the said bill was read the first time and passed; and on the second reading of the bill, Mr. Manly moved to strike out the first and second sections of the bill, and demanded the yeas and nays; the question thereon was decided in the affirmative—Yeas 44, Nays 38.

Those who voted were, Messrs. T. Bell, Benton, Bond, Borland, Braswell, Brown, Byrum, Collins, Cotten, Eaton, Fitzrandolph, J. W. Guinn, Harris, Harper, Hassell, Hester, J. Horton, W. Horton, Howerton, Hutchison, Hybart, Irion, Jeffreys, Jervis, Judkins, I. W. Lane, Lyon, Manly, J. A. D. McNeill, Roebuck, Rogers, Rush, Siler, Sloan, George Smith, J. L. Smith, Giles Smith, Taylor, Tomlinson, Tuton, J. H. Walker, Watson, Waits, Witcher.

Those who voted in the negative were, Messrs. Baker, Redford, Bryan, Barnhardt, Cahsler, Clement, Clingman, Davenport, Dunn, Erwin, Foreman, Gary, Gee, Graham, Guthrie, N. Harrison, Hawkins, Henry, Hoskins, Hunt, Jacocks, Jones, Kelly, Kenan, King, Lilly, Matthews, D. McNeill, M'Pherson, M'Rae, Neale, Pickett, Poindexter, Rayner, Swindell, Thomas, Waddell, Williamson,

The said bill was thereupon, on motion of Mr. King, indefinitely postponed—Yeas 59, Nays 18.

Those who voted in the affirmative were, Messrs. Bedford, T. Bell, Braswell,

Brown, Byrd, Byrum, Barnhardt, Cansler, Clingman, Cotten, Davenport, Dunn, Erwin, Fitzrandolph, Foreman, Gary, Gee, Graham, J. W. Guinn, Harris, N. Harrison, Harper, Hawkins, Henry, Hester, Hoskins, Hutchison, Hybart, Irion, Jeffreys, Jervis, Jones, Judkins, Kenan. King, I. W. Lane, Loudermilk, Lyon, Matthews, J. A. D. McNeill, M'Rae, Pickett, Poindexter, Rogers, Rush, Siler, Sloan, George Smith, J. L. Smith, Giles Smith, Swindell, Taylor, Thomas, Tomlinson, Tuton, J. H. Walker, Watson, Whitley, Witcher.

Those who voted in the negative, were, Messrs. Baker, Benton, Bond, Borland, Bryan, Clement, Collins, Guthrie, W. Horton, Jacocks, Kelly, Manly, D. McNeill, Neal, Rayner, Roebuck, Waddell, Williamson.

A message from the Senate, informing that they had passed the engrossed bills concerning the board for internal improvement; and the bill to provide for the election of Registers in this State, when any vacancy may hereafter arise by reason of death, resignation or otherwise, and asking the concurrence of this House; the said bills were each read the first, second and third times, passed and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to authorize the leasing for a term of eighteen years, certain tracts of land acquired by treaty from the Cherokee Indians, and asking the concurrence of this House; the said bill was read, and on motion of Mr. Tuton, indefinitely postponed.

Mr. King who voted for the indefinite postponement of the bill to amend an act, entitled an act to establish a bank in the State of North Carolina, moved that the House do now reconsider their vote; the question thereon was determined in the affirmative; Mr. Bond then moved that the House do reconsider their vote, striking out the first and second sections; the question thereon was decided in the affirmative—Yeas 46, Nays 40. The yeas and nays called by Mr. Hybart,

Those who voted in the affirmative, were, Messrs. Baker, Bedford, Benton, Bond, Brummell, Bryan, Buie, Byrd, Barnhardt, Cansler, Clement, Clingman, Erwin, Foreman, Gary, Gee, Gorrell, Graham, Guthrie, Harris, N. Harrison, Hoskins, Howard, Hunt, Jacocks, Jervis, Jones, Kelly, Kenan, King, Lilly, Loudermilk, Matthews, Muse, J. A. D. McNeill, D. McNeill, M'Pherson, M'Rae, Neale, Poindexter, Rayner, Siler, Thomas, Waddell, Waits, Williamson.

Those who voted in the negative, were, Messrs. Borland, Braswell, Brown, Byrum, Collins, Cotten, Davenport, Dunn, Fitzrandolph, J. W. Guinn, Hassell, Hawkins, Henry, Hester, Hill, J. Horton, W. Horton, Howerton, Hutchison, Hybart, Irion, Jeffreys, Judkins, I. W. Lane, Lyon, Manly, Pickett, Roebuck, Rogers, Rush, George Smith, J. L. Smith, Swindell, Taylor, Tomlinson, Tuton, J. R. Walker, Watson, Whitley, Witcher.

The question now recurring on the motion of Mr. Manly to strike out the first and second sections, was decided in the negative. Mr. Jeffreys moved that said bill be postponed indefinitely, and called for the yeas and nays; the question thereon was decided in the negative—Yeas 37, Nays 45.

Those who voted in the affirmative were, Messrs. Borland, Braswell, Brown, Byrum, Collins, Cotten, Dunn, Fitzrandolph, J. W. Guinn, Hassell, Henry, Hester, Hill, W. Horton, Howerton, Hutchison, Hybart, Irion, Jeffreys, Judkins, I. W. Lane, Lyon, Manly, Pickett, Roebuck, Rogers, Siler, George Smith, Giles Smith, Swindell, Taylor, Tomlinson, Tuton, J. R. Walker, Watson, Whitley, Witcher.

Those who voted in the negative were, Messrs. Bedford, Benton, Bond, Brummell, Bryan, Buie, Byrd, Barnhardt, Cansler, Clement, Clingman, Erwin, Foreman, Gary, Gee, Gorrell, Graham, Guthrie, Harris, N. Harrison, Hawkins, Hoskins, Howard, Jacocks, Jones, Kelly, Kenan, King, Lilly, Loudermilk,

Matthews, Muse, J. A. D. McNeill, D. McNeill, McPherson, McRae, Neal, Poindexter, Rayner, Rush, J. L. Smith, Thomas, Waddell, Watts, Williamson.

The House having refused to amend or postpone indefinitely the said bill and the question recurring on its passage, Mr. Loudermilk moved that said bill lie on the table; which motion prevailed; a message from the Senate, agreeing to the amendments marked A. B. C. D. and G, and disagreeing to the amendments marked E. F, to the engrossed bill prescribing the time and places of comparing the polls in the different Senatorial districts therein named; on motion of Mr. Graham, the House receded from their said amendments marked E. F; ordered that said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to regulate the mode of passing private acts of the General Assembly, with an amendment, and asking the concurrence of this House; the amendment was concurred in.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz: a bill to amend an act incorporating the Pittsborough Academy; a bill securing to William Tauchill and Benjamin A. Lavender of the town of Washington and county of Beaufort, and those with whom they may associate the right of navigating the waters of Pamlico and Tar rivers from the town of Washington; a bill to repeal sundry acts heretofore passed for the better regulation of the town of Greensborough in Guilford county; a resolution in favor of the Comptroller; a resolution authorizing the Adjutant General to repair the Arsenals at Raleigh and Fayetteville; resolution directing the Comptroller to credit the public treasurer with the amount of treasury notes burnt by the committee of finance, and asking the concurrence of this House; the said bills and resolutions were severally read the first second and third times, passed and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to authorize the Banks of Cape Fear, and Merchants' Bank of Newbern, to deal in any public debt authorized or created by any law of this State; and asking the concurrence of this House. The said bill was read, and, on motion of Mr. Waddell, postponed indefinitely.

A message from the Senate, informing that they had rejected the engrossed resolution in favor of Thomas Bell.

A message from the Senate, informing that they had passed the engrossed resolution providing that no member of either House shall be entitled to receive a per diem compensation after this day; and asking the concurrence of this House. Said resolution was read and laid on the table.

Mr. Clingman, who voted in favor of the indefinite postponement of the engrossed bill supplemental to an act passed in 1809, entitled an act directing how persons injured by the erection of public mills, shall in future proceed to recover damages, moved that the House do now reconsider that vote. The question on this motion, was decided in the negative—Yeas 18, Nays 58.

Those who voted in the affirmative were, Messrs. Baker, Bond, Buie, Davenport, Foreman, Graham, J. W. Guinn, Hawkins, Kelly, I. W. Lane, Lilly, Manly, Muse, McPherson, McRae, Poindexter, J. L. Smith.

Those who voted in the negative were, Messrs. Bedford, Benton, Borland, Braswell, Brown, Brummell, Bryan, Byrd, Byrum, Barnhardt, Cansler, Clement, Clingman, Cotten, Dunn, Eaton, Fitzrandolph, Gary, Guthrie, Harris, Hassell, Henry, Hester, Hill, J. Horton, W. Horton, Howard, Hunt, Hutchison, Hybart, Irion, Jeffreys, Jervis, Judkins, Kegan, W. B. Lane, Lyon, Matthews, D. McNeill, Neal, Pickett, Rayner, Rogers, Roebuck, Rush, Siler, Sloan, Geo.

Smith, Giles Smith, Swindell, Taylor, Thomas, Temlinson, Tuton, Waddell, Watson, Watts and Witcher.

Ordered that a message be sent to the Senate, informing that the House of Commons having passed upon all the business before them, are now ready to adjourn without day.

Received a message from the Senate, informing that that body is also ready to adjourn without day.

Mr. Guthrie presented the following resolution; which was read, and unanimously adopted.

Resolved, That the thanks of this House be tendered to William H. Haywood jr. Esquire, for the able, dignified and impartial manner in which he has presided over its deliberations during the present session.

Whereupon the Speaker made his acknowledgements to the House in an appropriate address; and adjourned the same without day.

WILLIAM H. HAYWOOD, JR. S. H. C

By order.

CHAS. MANLY, C. H. C.

